Alger Hiss and the Smoking Typewriter

Jody Powell's Ordeal by Fire/John Rockwell on Linda Ronstadt

L.A.'s Lasorda: Baseball's Artful Dodger by Eric Lax

OCTOBER 14, 1977 $1.00
THE FEATURE NEWS MAGAZINE

New Times

SHOULD THIS DOLPHIN BE SET FREE?

THE FIRST ANIMAL LIBERATION CASE OPENS IN HAWAII

By Arthur Lubow

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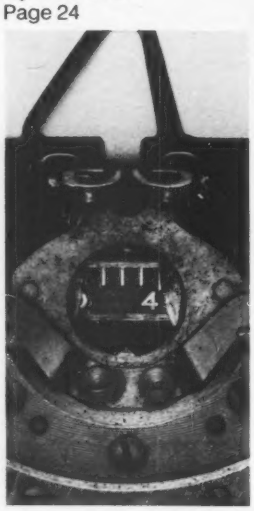
New Times

OCTOBER 14, 1977
VOLUME 9, NUMBER 8

"The Typewriters are Always the Key"

There's this detective named Schmahl, see, who's supposed to be working on Alger Hiss' defense, except he's really a stoolie for the FBI. Schmahl hears that a certain typewriter could clear Hiss, right? Suddenly the FBI finds the thing and it convicts him. I'm innocent, Hiss says, but he goes off to the slammer anyway. Twenty-seven years older and 60,000 FBI documents wiser, Hiss still says he's not guilty, but now he says he has proof.

By Fred Cook
Page 24



Riot in Fish Tank II

Kea and Puka and Kenny and Steve were buddies. They played Frisbee together, worked together, *communicated*. The thing was, Kea and Puka were also dolphins, highly trained, who belonged to the Kewalo Basin Lab in Honolulu. And one day Kenny and Steve just had to let them go—they had a *right* to be free, didn't they? The issue of animal liberation goes on trial November 28, and Kenny and Steve face a possible five years in jail on grand theft charges.

By Arthur Lubow
Page 36

COVER
PHOTOGRAPH BY JERRY COOK/ANIMALS ANIMALS. ART BY DOUGLAS WARD KELLEY

Outstanding Baloney

Dodger manager Tom Lasorda has the inspiration of an evangelical zealot, the soft heart of Father Flanagan, and a healthy respect for show biz. (One wall in his office is devoted to photos of Frank Sinatra.) Corny? You bet, but it works. Lasorda has turned recalcitrant players from other clubs into Born Again Dodgers who left the Big Red Machine sputtering in the dust.

By Eric Lax
Page 54

Linda Ronstadt's Soft-Core Charms

Linda Ronstadt, at 30, is the sexiest, most successful woman pop singer in America. So is she happy? Well, sort of. At least she's trying to be, and she's not depending on any one man anymore, either. But there are times when it gets so lonesome a girl could forget herself and just break down and . . . you know?

By John Rockwell
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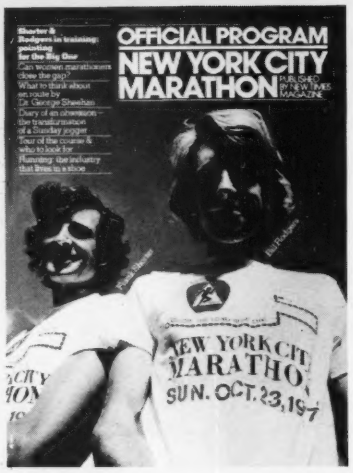
Behind The Scenes

Consider this magazine in your lap a bouncing child, just turned four years old: already a distinct personality, sometimes surprising, sometimes precocious, once in a while disappointing, occasionally rude, even crude, but always full of energy and life. Publishing has perhaps the highest infant mortality rate of any business, so it is with considerable pride that I can report on our fourth anniversary not only health, but growth. Last July, *New Times* increased its circulation rate base to 350,000, placing us in such esteemed company as *Harper's*, the *Atlantic Monthly* and *New York*. I believe our editorial product grows stronger every year and, most heartening of all, our readers seem to agree. A subscriber study to be released next week by Beta Research Inc. will show a remarkable degree of loyalty: more than 90 percent of our subscribers have read three or four of the last four issues, and the average subscriber spends an hour and twenty-five minutes with each issue.

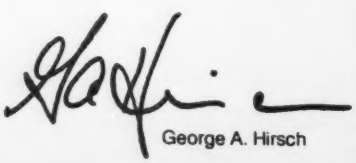
(The "average" couple pictured throughout the study—see cut—are Editorial Assistant Patricia Bradbury and Advertising Director Bill David.)

What else does the subscriber study show? Well, a quick (and ludicrous) composite sketch would look something like this—a professional/managerial (60 percent) man (60 percent), 31 years old (median age), riding a bicycle (41 percent), with a 35 m.m. camera round his neck (45 percent) and stereo headphones on his ears (45 percent) on his way to the bank (average income $19,200).



The composite could just as well show the average reader running (one in three jog or run). I happen to believe that running is very much a part of these new times (I am a marathoner myself), and for that reason undertook to publish the official program for the New York City Marathon this year. We at *New Times* think it came out magnificently, and would like to share it with any of the runners among you who would be interested. Just send $2.50—$2.00, plus 50¢ for postage and handling—to Marathon Program, c/o New Times, New York, New York, 10016. And for those of you who will not see the program, all is not lost. One of the ten features will be reprinted in the next issue of *New Times*. Contributing Writer Sam Merrill has written an eloquent treatise on the obsession of running that we think is every bit as fine as his memorable piece on the Oldest Living American, 133-year-old Charlie Smith (NT, February 6, 1976), which has just been announced as a winner of the Penney-Missouri Magazine Award for Excellence among magazines under 400,000.

For those of you who will not be at the starting line of the New York City Marathon on October 23, we hope you'll be there with us at the start of our *fifth* year.



George A. Hirsch

Letters

Catching flies

In the Sacco-Vanzetti Insider item in your September 16 issue, you say, "the Massachusetts State Police will finally open their flies on the . . . robbery." So, it seems, in 55 years nothing has changed.

Herb Meadow
Encino, California

Editor's Note: We regret that the typographical error ('flies' instead of 'files') was unintentional.

Indelible Marx

I've been reading *New Times* since my son sent me a subscription two years ago . . . in search, I think, for what my son may be trying to tell me. Peter Kaplan's Final Tribute to Groucho (September 16) finally told me what I had been looking for: feelings. The last paragraph was beautiful and I refused to wipe away the tears before I hit my typewriter to write to you. All of us who allowed ourselves to enjoy Groucho are richer because of him.

Dorsey M. de Raismes
Lewes, Delaware

God Only Knows

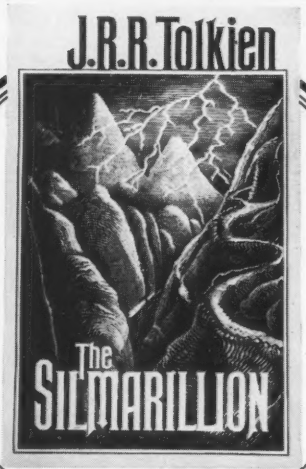
"The Real Best-Seller List" in your September 16 issue ignores the most dramatic publishing success of 1976. The American Bible Society introduced its *Good News Bible* on December first and sold more than a million copies the first month, making the *Good News Bible* the number two best selling book of 1976 and a shoe-in for the best seller of 1977.

Rev. George Blank
Calvary United Presbyterian Church
Leechburg, Pennsylvania

Getting the psychic picture

After reading David Black's article, "ESP goes straight" (September 2), you may have tried to match up three pictures, used to test Mike Kelley's paranormal ability, with the three descriptions that accompanied them. You would have needed a lot more than ESP to do so—namely, the *real* slide "A" (below).

THE ENCHANTING WORLD OF J.R.R. TOLKIEN.



When a new book by JRR Tolkien is published, that calls for a celebration.

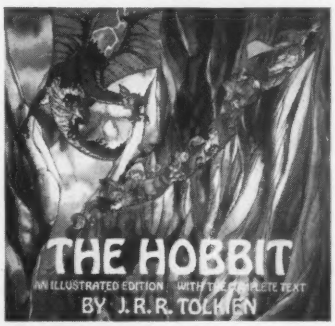
And Waldenbooks, the nation's largest bookseller, is having just that.

Recently, the book Tolkien worked on for 50 years and was revising at the time of his death was published.

And to mark the event, Waldenbooks is holding a special Tolkien Festival, offering the most comprehensive collection of Tolkien books ever assembled. Including special editions of his works, biographies, critical studies — even Tolkien calendars and posters.

The reason for the party.

When JRR Tolkien died, he left behind millions of devoted fans. He also left behind a final work, The Silmarillion, which was edited by his son, Christopher, and has now been published by Houghton Mifflin ($10.95).



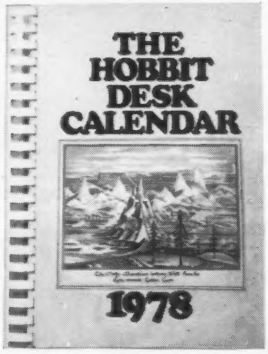
The Silmarillion is the work on which Lord of the Rings and all the Hobbit adventures are based. It is the account of the chaotic First Age, and it tells of epic struggles and betrayals which were to haunt later Ages, such as the theft of the Silmaril jewels and the war to get them back.

It also contains several shorter works, including "Of the Rings of Power," the connecting link to Lord of the Rings. The Silmarillion is both the cornerstone of Tolkien lore and the completion of the mythology which has captured our age. Finally, the chance to read new Tolkien!

When you come to Waldenbooks for your copy of The Silmarillion, you'll see a special Tolkien section with all sorts of new books and memorabilia you'll want to check out.

If you'd like to soak up some Tolkien every day of the year, you'll want the 1978 Hobbit Desk Calendar (Ballantine $6.95). With 12 of JRR Tolkien's own color illustrations, plenty of room for notes and a double page spread for every week. Or the best-selling calendar of all time, the Tolkien Wall Calendar. It's all-new for 1978, with color paintings by the Brothers Hildebrandt and the dates important to Middle Earth marked clearly.

You'll also find an enchanting new gift edition of The Hobbit. Based on this year's NBC TV 90 minute animated Thanksgiving special, it has 300 illustrations, 230 of them in color. This is an 11″x11″ art book containing Tolkien's complete text, specially priced at $29.95 (Abrams). Bilbo Baggins never looked better!



For collectors, there will be leather-bound editions of Lord of the Rings and The Hobbit. And for those who want to introduce Tolkien to a friend, deluxe boxed paperback sets of Lord of the Rings. Plus editions of his children's books and songs.

And since the world of JRR Tolkien wouldn't be complete without some of the books his works have inspired, you'll also find Humphrey Carpenter's fine new study, JRR Tolkien, a biography. And The Tolkien Companion by JEA Tyler (Avon $4.95), an exhaustive thesaurus of Tolkien names, terms and places, arranged and explained in alphabetical order. Great for heavy Tolkien addicts.

We could go on. But by now you've probably gathered it's going to be a heck of a party. In fact, you might say that since Lord of the Rings, the best thing to happen to Tolkien fans is now at Waldenbooks.

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Media/By Sheila Benson

The world's best film festival

Telluride, Colorado, looks like a Presbyterian church in decorator colors, and Julie Christie, wandering through its fourth annual film festival in black pinstriped vest and jeans, does plenty to heighten the image; it's as though *McCabe and Mrs. Miller* and their doughty little town had made it through a time machine.

Forget Cannes, never mind New York, the inside international favorite film festival these days is held at the nosebleed height of 8,863 feet, in an old mining town surrounded on three sides by the San Juan mountains.

The Festival's directors, Bill Pence, Tom Luddy and William Everson, don't give a damn about superstardom. They care about "the old people," giants of film who might be lured to Telluride to be honored. As Pence says, they'd prefer the Festival to be "like the town: small, beautiful, intelligent."

They're a balanced trio. Luddy, from Berkeley's Pacific Film Archive, is the strong man on Worldwide contemporary cinema. Everson is the group's historian, writer and teacher, and Pence, co-founder of the Festival, is a film businessman.

One of the aims of the Festival is one-to-one contact, and by Friday's kick-off cocktail party, the one-to-one is working overtime. Telluride Lodge's low-ceilinged hall echoes with different accents. The Soviet Union's celebrated woman director, Larissa Shepitko, turns out to be a dazzling redhead. Tiny Agnes Varda, whose purple dresses are her trademark, talks animatedly to ex-Warhol superstar Viva, wafting about in a cinnamon silk skirt. Barbert Schroeder, who brought his provocative *Maitresse* to Telluride last year, is without its star, his recent love Bulle Ogier, but still driving a convertible whose license plate tags him BULLED.

A quirky feature of festival programming is that it is physically impossible to see all the films. The programs happen at three locations simultaneously. The most controversial one this year was a midnight presentation by Carolee Schneemann called "The Erotic Woman" (a title she did not pick and disowned vehemently). The program started calmly enough with Varda's *L'Opera Mouffe*, then *Orgia*, Maria Menken's photographs of her husband Willard Maas' homosexual orgy, then Schneemann's *Fuses*. Next Schneemann came on stage wearing a robe and carrying two buckets, one of water, one of dirt. Stripping off the robe, she covered her nude body with mud, then drew from her vagina a long poem. Her "statement," a fairly ordinary, sixties theater piece, cleared the hall well before all six films were finished and polarized the audience. Agnes Varda sunk lower and lower in her seat, murmuring, "I am suffering." Shepitko sat bolt upright, her eyes wide with shock.

Werner Herzog, who calls Telluride his favorite festival and his favorite town, is very much in evidence. If he loves Telluride, the feeling is mutual. Had Herzog been born up the road at Sawpit or Priest Gulch instead of Munich, he could not be more proudly claimed by Tellurideans. He's something of a Festival spark plug. When the group picture verges on the banal, Herzog stands on his hands and loosens things up. He organizes a lethal basketball game in the community center. "It will be a Rollerball!!" he exclaims cheerfully. And it just happens to be Herzog's 35th birthday, so after the Festival is officially shuttered there's a coda: Werner's birthday party.

PHOTOGRAPH BY ANN ASHLEY

Werner Herzog: Sees the world differently

Between film and party, Herzog needs to get away from film talk. He whirls a beaming Larissa Shepitko across the street into the 3/4 Time Bar to hear her first home-grown bluegrass. It's a wild scene, Herzog playing the guitar-banjo trio with double tequilas in return for a breakneck "Foggy Mountain Breakdown," and helping them with four-fingered whistles and rebel yells. The tall, high-cheekboned Shepitko is having a heady first dose of America.

Viva pounces on Shepitko, demanding, "Let me see your bra." Stunned, Shepitko considers the question. Viva settles for a glimpse of the satin straps; "I *knew* it was French," Viva says languidly. Michael Powell talks warmly about his new project. At 74, he is in the midst of a Soviet co-production of the life of Pavlova, and is eager to interview Soviet dancers for the title role. Viva hears that Herzog will soon be in Peru. Then he *must* look up her Peruvian connection who has helicopters and a private army. She promises to get the address for him that night. (As he leaves the next morning, Herzog, who can always use an army, asks her urgently for the address . . . but she's forgotten to get it.)

With the fervor of graduating seniors, everyone is signing Festival posters. Herzog writes "Holy War Against Talk Shows" on documentarian Les Blank's Telluride T-shirt. Viva does exquisite portrait drawings, first on Blank's T-shirt, then on a willing subject's bosom. The party becomes a nice high altitude blend: film/sex/money/warmth/gossip, in a sea of champagne.

If Herzog is Telluride's pride, its darling is 94-year-old Ben Carré, the legendary French art director. A handsome man with a shock of silver hair and his beautiful wife devotedly beside him, he chats happily with practically everyone. He spots the official T-shirt and is enchanted that it says "Festival Flasher" across one side.

Few Festival-goers have any idea what they're in for as the Carré tribute begins, but they find out fast. Carré has been responsible for the look of films for more than a half century. *Phantom of the Opera, Don Juan, The Jazz Singer*, Maurice Tourneur's *Bluebird, Night at the Opera* and *The Wizard of Oz*. A long, uncut *Dante's Inferno* clip sets off a murmur through the house; it's breathtaking, Dore and Bosch combined. When the clips are over, Carré, deeply moved, stands on stage. "The films," he says, "I haven't seen them for 30, 40 years. It's fantastique."

As the entire Sheridan theater stands and continues to applaud, Carré walks back to his seat with his medallion. Anne Carré kisses her husband, and holds his age-spotted hand. Then she says: "You said just the right thing. You always do." ●

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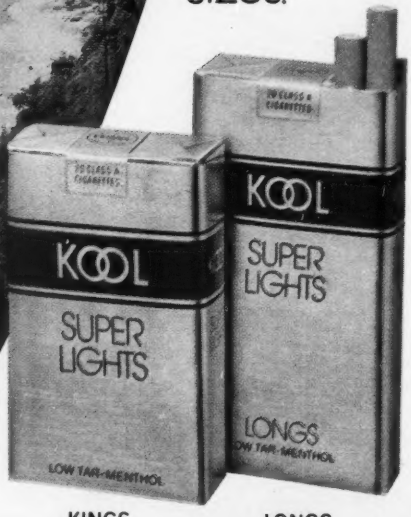

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The survival of Jody Powell

Jody Powell had just left a session on the SALT talks between the President and Soviet Foreign Minister Andrei Gromyko. Now he was reminiscing about the Bert Lance affair, which had nearly pushed him over the edge of the credibility gap. The worst casualty of the affair obviously was Lance: he had lost his Cabinet post and maybe his net worth besides. And Jimmy Carter's image has been tarnished: he is no longer the anti-politician above suspicion. Powell himself had been Lance's chief public apologist: he had defended fiercely and lost the case—and almost the better part of his reputation. Looking back on his lead role, Powell now says: "It just sort of happened."

In the opinion of one prominent columnist, "It was a terrible mistake to put the Lance counteroffensive onto Jody. It was bound to spend his credibility." The counteroffensive started in earnest soon after the Comptroller of the Currency's mid-August report on Lance. On the advice of Powell and presidential alter-ego Hamilton Jordan and after reading only White House Counsel Robert Lipshutz' brief summary of the report, which elided the damning appendices detailing Lance's sundry financial arabesques, Carter flew from his Camp David retreat to proclaim Lance's vindication. But as the press picked at the appendices, it became clear that the President's blessing hadn't absolved his budget director. So when Powell appeared on television and before the Sperling Group, a breakfast gathering of Washington reporters, to lash at the latest charges, he was functioning as the Administration's point man in a new Lance counteroffensive.

Though the counteroffensive may have started accidentally, it was no accident that Powell fought back hard. Jody Powell, like Jimmy Carter, is Bert Lance's friend. They are both part of a close circle of Georgians around Carter, men from red clay rural towns like Plains, Americus, and Calhoun who against the political odds made it to the very top of the world on faith, pluck and persistence. With one of their own under fire, it seemed natural to close the circle around him. Looking back, Powell explains but doesn't excuse his excesses during the Lance episode: "It involved my personal emotions."

It was Powell's emotional involvement that edged him toward open warfare with the press. During his August counteroffensive, he charged that *Time* magazine, one of the most persistent pursuers of Lance's misuse of corporate airplanes, had offered the budget director a free ride on *its* airplane. It was true, if irrelevant, and most reporters weren't overly exercised by a pointed poke at *Time*. But

PHOTOGRAPH BY DENNIS BRACK/BLACK STAR

there was a whiff of Agnewism in another Powell riposte, that maybe journalists' expense accounts ought to be checked out carefully. He also challenged the press to pinpoint a single illegality or impropriety on Lance's part. "That was no contest," says a journalist who watched the press beat Powell incessantly with new Lance revelations at the daily White House briefings. Powell's rationalization was to blame the messengers for the bad news: the press, he implied, was trying to run Lance out of Washington on a rail.

The turning point came with an AP story that Lance had pledged the same collateral for two loans. It appeared to meet Powell's challenge: if not illegal, the double collateral was improper. Powell reacted with another slap at the press. The next day, syndicated columnists Jules Witcover and Jack Germond warned in print that conflict with the media wouldn't salvage Lance, but that it might destroy the Administration's credibility. Powell, says a White House source, "saw the column and took the warning seriously." At the same time, trade negotiator Robert Strauss, a Washington-wise former chairman of the Democratic National Committee, was advising the Carterites to "cool it." Powell himself had been of two minds even earlier. Friendship and a combative instinct drove him to defend Lance all the way. But in a little-noticed speech to government information officials just hours after his *Today* appearance, Powell had praised the press and cautioned against scapegoating it. Now at last he began to heed his own advice.

Indeed, Powell himself soon became the messenger bearing bad news. Just before the Labor Day weekend, with the Lance situation steadily worsening and the President's prestige increasingly in jeopardy, he and Jordan met with Treasury Secretary Michael Blumenthal. The next Comptroller's report on Lance would be worse. Powell carried the word to Lance, telling him he now felt there was no way out, that Lance's best hope was that he might leave Washington with enough of a reputation left to hold his head high. Lance should know how Powell saw it, he felt, before talking the issue over that weekend with his family at their Georgia vacation home.

In effect, Bert Lance's future was decided two weeks before his Senate testimony, though Powell says that he and others in the White House occasionally felt a "faint hope for a miracle." Yet the day before that testimony began, having already all but given up Lance's ghost, Powell committed the most damaging blunder of his Lance advocacy: he threw a roundhouse punch at Illinois Senator Charles Percy—and hit himself squarely in the mouth. Powell planted a story, based on unverified rumors, that Percy had flown free on Bell and Howell's airplane (the company doesn't own one) and held campaign meetings in a bank conference room (Percy had a canceled check for a one-time rental of the room). "Jody was defensive, angry, and frustrated," suggests a White House reporter. He had given Lance the grim word, and that had been hard.

As Powell saw it, here was his friend trying to hold onto a little integrity and Percy was prosecuting him relentlessly. Powell regarded his tip as confidential, but the *Chicago Sun-Times*' Loye Miller did not and he wrote a story revealing the press secretary's ploy.

Powell resists the judgment that the tip was a thoroughly dirty trick. "I wasn't out to damage Percy," he says, "anymore than he was out to damage Bert Lance. If I set out to criticize you, it's perfectly legitimate for you to see if I've engaged in the same sort of thing." But Powell also recognized immediately that the Percy plant "was a dumb thing to do, particularly at that time." Washington tips are a common practice, notes a member of the White House press corps, but, the nature and time of this one "made Jody look wild and desperate; it brought back bad memories." Powell says he knew that "a Percy apology was called for."Powell gave it the next day. It wasn't a Nixonian half-apology; it was complete and contrite. "What saved Jody," judges a veteran Washington journalist, "was that he didn't try to worm out of it. He fell on his sword."

The Percy attack has left scars all the same. The boys in the briefing room will be a bit more suspicious of Powell. "When he shakes hands with reporters now," laughs one of them, "he'd better expect us to count our fingers." Another adds: "We don't like being used."

Still, Powell's relationship with the White House regulars appears to be "reasonably good," as he himself suggests. "The people I work with on a day-to-day basis haven't made too much of the Percy thing." One reason is that some of them sympathize with Powell's contention that the Percy tip was confidential. "A guy's not going to kill himself to give you a story," a newsman argues. "It's not that unusual to get that kind of tip."

It has also been easier for reporters to forgive Powell because his worst offense was to go after a politician, not the press itself. Powell and Jordan argued, from Labor Day on, against any White House assault on the media. There's a suspicion among Carter staffers, a certainty back in Georgia, that the liberal Eastern press did Lance in because he's a conservative and/or "to get Jummy." It's the reflex reaction of Southerners who feel they've spent generations as America's whipping region. Powell dismisses such theories. "Bert," he accurately notes, "was more popular with the press than any other member of the Administration"—and he concedes that the media were hardly a hindrance in Carter's presidential campaign.

But Powell also believes that "if you eliminate personal and ideological reasons, you're left with institutional (press) problems that have nothing to do with whether Lance should have stayed." Now intent on avoiding even the appearance of attacking the press, Powell is careful to say no more than that. What he would like to add, a White House source confides, is that once newspapers such as the *New York Times* and the *Washington Post* are committed to a story—in this case, that Lance would resign—they tend to lose a vital margin of objectivity. (This is not merely the carping of a Carter loyalist. The weekend before Lance's resignation, Senator Edward Kennedy told friends that it was inevitable: having put their prestige on the line, the media wouldn't let the story go until Lance was gone.)

After the President announced the resignation of his OMB Director, Powell held a post-mortem in his office with 12 or 15 reporters. "He was testy," a participant remembers. He said there were lessons for the White House to learn, and lessons for the press, too, though he declined to specify them. The irritation was understandable: even his greatest asset had occasionally proved a weakness.

"He's a policymaker, not just a mouthpiece," as one newsman puts it. "He can get answers. He can get to the President." Thus, when Powell, in response to one question about Lance, said that he hadn't had time to get the answer, White House reporters simply didn't believe him. Jody Powell *knows*—and the press knows he knows, no matter what he says.

What happened to Carter in the Lance case is what happened to Powell: having set high standards for themselves, they stumbled over a hard reality. It had to happen to Powell sooner or later; all White House press secretaries evade some questions and shade the truth sometimes. All honeymoons have to end, even in politics; but maybe healthy relationships can last, even between press secretaries and the Washington press corps. Powell survived the Lance affair with "pretty good credibility," says a syndicated columnist. It's not that reporters believe he'll never tell a lie (they don't even believe that about Jimmy, who promised it), but that Jody will try not to. "He handled the Lance mess about as well as anyone in his position could," a newsman otherwise skeptical of Powell judges. "He didn't fall into the Ziegler pit—or when he did, he climbed out fast." Powell himself, after what he calls "the worst kind of crisis" for him, seem aware of the conflicting demands of his role and his own frailties. "There are times," he confesses, "when we all fall short of the standards of what we know we should do." ●

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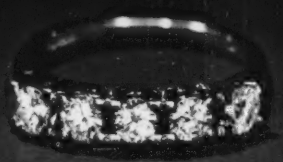

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Bakke finds out who his enemies were/Waiting out the Trafalgamorians

The Insider

Bakke: The real minority report

UPI

Bakke: New enemies list

Allan Bakke, who is dragging his reverse discrimination case before the Supreme Court, may not have been the victim of underprivileged minorities after all, but of an oveprivileged elite. In the first year Bakke applied to the University of California Davis medical school, 1973, the Dean intervened to admit at least five white applicants from influential families who ranked lower than Bakke on the applicant list, according to a former administrator at the school.

(Bakke is charging that his refusal of admission at Davis was the result of a policy that favored minorities to his exclusion; the University argues, among other things, that even had all 16 minority students from the entering class of 100 been replaced with whites, Bakke would still not have been accepted.)

"There is a better than even chance that Bakke would have been admitted had it not been for the Dean's appointments," states Peter Storandt, the former U. C. Davis assistant dean who served on Davis' admissions committee and reviewed Bakke's application. The Dean's preferential appointments were a regular practice at the Davis medical school until last year, when admissions procedures were tightened. "Five places were the average for the usual season," says Storandt, who believes there may have been a sixth secret appointment in 1973, the year of Bakke's contended non-admission.

Storandt also confirmed the findings of former Davis medical student George Southerland, who'd first researched and exposed the Dean's admissions practices in the U. C. campus newspaper: that in 1973 the Davis Dean had intervened to admit a student who had not even filed an application. The student was the son of an influential California legislator.

The Dean, C. John Tupper, had admitted to the Los Angeles *Times* last year that he sometimes intervened in "special interest cases" to correct inequities in the admissions process and for "public relations" reasons.

Storandt hadn't ever connected the Dean's preferential 1973 appointments to the Bakke case, which he had strongly encouraged. "Only later I realized," he told us, "that the places taken off the top by the Dean and the places being challenged by Bakke were connected."

At Davis in 1973, an applicant's final rating determined his or her place on the applicant list. The rating represented an assessment of the applicant's grades, MCAT scores and personal qualifications by five committee members—two interviewers and three others who didn't interview the applicant. Each of the five rated the applicant on a scale of 1 to 100; the numbers were totalled to yield an individual's final rating.

In 1973, 470 points represented a sure admission to Davis. Bakke by most reports had 468. (His attorney says 469). A number of other applicants had scores as good. "It gets mixed up," says Reynold Colvin, Bakke's attorney, who will argue against university counsel Archibald Cox before the Supreme Court. "A number of people make multiple applications—you'd have to find out how many of the 469's and 468's went to other schools before you could know where Mr. Bakke stood." Nonetheless, all five Dean's appointment preferences had lower scores than Bakke.

Now that the university has tightened and regularized its process, however, it stands to face little discomfort by the revelations. Bakke's case stands to gain stature in the face of a situation that increases the sense of his unjust treatment while slightly mitigating the perception of his crusade as being one against minorities. As Peter Storandt told us, "Bakke might well have gotten over the top had it not been for that kind of interference by the Dean. It's just impossible for me to rule Bakke out."

—Tim Nesbitt

(A longer version of this story will appear this month in the Oakland, California, *East Bay Voice*.)

Politics

Hollywood behind closed doors: Coming clean for famous genes

The splashiest Hollywood dogfight in years may soon be shaping up out in California 27th Congressional district. Carey Peck, the 28-year-old son of old soldier Gregory Peck (he of the square jaw), is cruising around the Los Angeles coastal district trying to pick up support for an attempt to unseat conservative GOP Congressman Robert K. Dornan.

Former aide to Senator Claiborne Pell and to Vice President Mondale, Peck is "moving about Democratic circles" to see what his chances are. Once a liberal, the junior celebrity now calls himself a "moderate" who favors fiscal conservatism and pines for the late, lamented B-1—a major sore point in the aerospace-dominated district.

Peck is seeking the support of Hollywood's radical dynamic duo—Tom Hayden and Jane Fonda—but his bumbling moves to the right have left Hayden, at least, unimpressed.

A one-time fighter pilot and TV talk show host, Dornan's mouth is watering at a chance to shoot down this celebrity challenge. But: "Damn," he complained after hearing of Peck's possible candidancy, "I'd rather run against his old man."

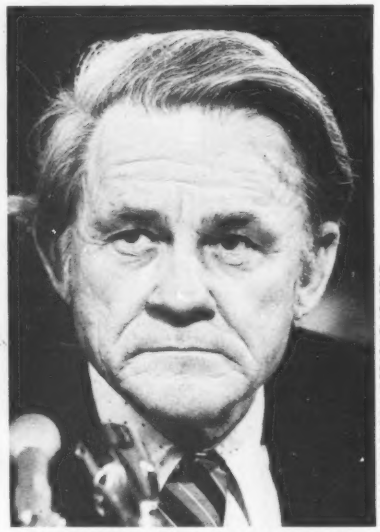
WIDE WORLD

Gregory Peck (left) and Carey Peck (right): Star and spawn

Schultze to Carter: Don't drop debt

President Carter has gotten the hard word straight from Charles Schultze, chairman of the Council of Economic Advisers: he can't make it to a balanced budget by 1981, and he'd better find a nice way to tell the public.

The balanced budget had been a central tenet of the Carter campaign, but it's clear that the President—like most of his predecessors—has seen that he can't hold spending and remain the leading viable political entity in Washington. In response to pressure from the black caucus and while trying to beat back unemployment figures, Carter reportedly is preparing to recommend a modified form of his old whipping post, the Humphrey-Hawkins bill. The spending will be scaled down, but Carter's former philosophical impediment—central economic planning—will be included.



PHOTOGRAPH BY DENNIS BRACK/BLACK STAR

Schultze: Goodbye, little dream, goodbye

UPI

Omar and Jimmy: Brother problems

The Panamanian Connection: Scag in high places

All our hyped-up amicability with Panama lately may have slackened our incentive to handle the drug problem we have with the regime of Omar Torrijos. Congressman John Murphy (D—New York), chairman of the Merchant Marine and Fisheries Committee, is, according to committee sources, determined to expose the Panamanian government's connections to an international narcotics operation.

Murphy, citing customs bureau officials, accuses Moises Torrijos, the dictator's brother and Panama's Ambassador to Spain, of helping to bring heroin into the U.S. Torrijos has already been declared persona non grata in Argentina for his alleged narcotics activities there, but remains a key adviser to the Panamanian strongmen.

In addition, police sources in the Canal Zone report that last year Defense Department Intelligence officials followed Manuel Noriega, head of Panama's G2 Secret Police, on a trip from Miami to Hong Kong via Las Vegas. Agents following Noriega, according to these sources, reported that the Panamanian spy chief was using the trip to conduct narcotics-related business. Officials at the Panamanian Embassy in Washington were unavailable for comment on the charges.

U.S. Government files on Panama's role in drug trafficking may be forced into the open by Murphy. The Staten Island Democrat is reportedly furious over State Department attempts to freeze the House out of the Panama ratification issue and is considering filing legal actions against the executive branch to keep the House in the game. The prospect of doing battle against this powerful Democratic House leader presents another major obstacle for Carter as he tries to shove the unpopular treaty through the Congress.—*Joel Kotkin and Paul Grabowicz*

When is a joke not a joke? When Bob Dole tells it

Bob Dole isn't changing his ways; he's running for the presidency in 1980. Using the recent congressional recess to barnstorm America (ostensibly as a delegate to the Belgrade conference that opens next month to discuss violations of the Helsinki human rights accord), he arrived one day in the Chicago suburb of Prairie View and told a charming and altogether plausible tale: "I know many of you were disappointed when we didn't make it a year ago. And frankly, I couldn't really believe it either.

"Even on Inauguration Day, I couldn't believe it wasn't Jerry and myself who were going to be sworn in. I had to pinch myself to make it sink in. But I started getting the idea we had lost when they put me on the cold side of the platform and escorted Billy Carter to the warm end—along with a military attaché carrying his six-pack.

"Anyway, about 20 minutes to noon I noticed Strom Thurmond (R-South Carolina) on the platform near me. Knowing he's our ranking member of the Armed Services committee I turned to him and I said, 'Strom, do you think if we phoned the Pentagon now it would be too late to call out the troops and stage a military takeover?' "

Nobody laughed.

—*Mick Zielenziger*

ILLUSTRATION BY JIM ALPIN

Bob Dole's January fantasy

Warren critics clammed up

The reconstructed House Assassinations Committee, silent these many months, is continuing its investigation—though very quietly. Perhaps its most interesting development has been a secret conference last weekend with a group of critics of the Warren Commission Report. Among them: Mark Lane, representative of the Boston-based Assassination Information Bureau, Sylvia Meagher, Paul Hoche and Peter Dale Scott. The two-day affair (the Committee picked up all the travel and hotel expenses) was a notable departure for congressional investigators who'd long given critics a wide berth.

The critics in attendance all were asked to take (and took) secrecy oaths promising not to reveal what occurred during the conference; they were asked as well to report to the Committee anyone who asked any questions concerning the conference. Important on its own was the news from their session that the investigation is continuing seriously, with public hearings on the John F. Kennedy assassination next July.

Seventies

GLOBE PHOTOS

The Duke at sea: He gives, takes away

In Sequim, Washington, the residents got a fiefdom from the Duke. John Wayne gave 12 acres (appraised at $435,000) to the local port authority so that a boat marina could be built. It was only later that Sequim cynics figured what the Big Guy was about to reap from his generosity. Not only was there a remarkable tax break involved, but Wayne owned some 100 property acres near the site, sure to skyrocket in value thanks to the $3.9 million public expenditure to construct the marina.

Part of Washington's "banana belt," Sequim is warm, green and sunny, protected from northwest rains by the Olympic Mountains. Locals already have angry visions of the marina bringing a little bit of L.A. to the bay, and, in the view of one aggressive opponent of the marina, effecting "pressure, noise, fecal and water pollution." The Duke, however, has a built-in escape clause. If no marina construction begins by December 1980, then the great Indian killer turns Indian-giver and takes back his bequest.

—Ivan Goldman

The good earth

When the recent Santa Barbara fire burnt miles and miles of California earth, it destroyed one of the great, elusive legends of the West. "It's gone! It's gone!" a famous Santa Barbara junkie was heard moaning on the ground that grew what was America's best marijuana, known as "Montecito Purple." "It's as if one of the great French vineyards had been turned to ashes," he said. Then his voice grew soft and wistful. "It was magnificent."

The weed, known for its purplish tint, developed its renowned potency as a result of years of selective breeding, dry weather, and the area's extraordinarily long six-month growing season. Montecito Purple, say the once-privileged natives, was never exploited for profit. "It was traded among friends . . . and we were connoisseurs."

—Jeff Gottlieb

And if that won't work, use your machete

PHOTOGRAPH BY MARK CHESTER

Farmworker: picks fruit, can't bear it

"While involuntary sterility caused by a manufactured chemical may be bad, it is not necessarily so. After all, there are many people now paying to have themselves sterilized to assure they will no longer be able to become parents." So said valiant peach proponent Robert K. Phillips, executive secretary of the National Peach Council, which represents 6,300 American growers. Phillips suggested that workers who are looking for a free method of birth control might well be glad to work with a pesticide called DBCP (dibromocholoropropane), which had just been put on emergency restrictions by the federal government. "If possible sterility is the main problem, couldn't workers who were old enough that they no longer wanted to have children accept such positions voluntarily." Then this creative enlightening idea: "Some might volunteer for such works posts as an alternative to planned surgery for a vasectomy or tubal ligation, or as a means of getting around religious bans on birth control when they want no more children." DBCP has been shown to cause stomach and mammary cancer in rats.

And the Operator bid nothing

In publishing, as in everything else, big deals are usually made in nice, round figures. But when Dell picked up paperback rights to Howard Fast's *Immigrants* (Houghton Mifflin: $9.95), the purchase price was $832,000. Why the odd amount? A literary sleuth came up with the following, from which you may draw your own conclusions:

(1) After the first bids were in, Dell was tied with another house with an offer of $750,000.

(2) Dell's Helen Meyer was phoned by her representative and she upped the ante to the curious amount.

(3) The first three digits of Dell's New York telephone number are: 832.

—Anthony Haden-Guest

Close encounters of the California kind

PHOTOGRAPH BY JOHN T. BARR/GAMMA LIAISON

Ruth Norman: Come for the holidays

Galactic religion has arrived in Southern California, the land which gave us the Space Shuttle and Star Wars. On a barren hilltop outside the San Diego suburb of El Cajon, anxious believers prepare for the landing of the "space brothers" from 32 planets. In a whitewashed El Cajon building, other earthlings are constructing model Martian cities and reading innumerable space communications, readying themselves for the great day.

They call themselves Unarius and believe fervently that it is only a matter of months or a few years before extraterrestial beings get out of their spaceships and walk on earth, opening the mysteries of the Universe to men. "Now we have finally brought in sufficient light and power so people will be ready for the landing," claims Ruth Norman, the 77-year-old founder of Unarius. "The great day is coming. We will be able, with their science, to clear out all the mental hospitals and the prisons."

It was 24 years ago when Norman, a one-time real estate broker, founded Unarius, a California-based cult which believes in, among other things, reincarnation, telepathic communication, energy-based religion and, of course, spacemen. A man from Venus, known as Malvar, dropped in, telepathically, on Norman and her late husband and laid the whole galactic scheme of things out for them.

"We had to keep this quiet for a long time," Norman, who has a penchant for glittery, chiffon gowns, says. "People would think we were crazy. But now things are changing." What has been most helpful, she says, are the continuing sightings of UFOs around the world, the development of space technology and, most of all, the recent Star Wars craze.

It's been two years since Unarius came out of its semi-secret closet and began preaching openly to earthlings. Already they claim to have 300,000 followers and run a small school for fifty disciples out of their El Cajon headquarters, a space odyssey itself, full of chirping birds, Greek arches and model Martian cities constructed of plastic and Christmas tree lights. Recently Norman sold her home in order to buy a 67-acre landing site for her friends in the galaxy, complete with a sign announcing "Welcome Space Brothers."

PHOTOGRAPH BY JOHN T. BARR/GAMMA LIAISON

Norman and Unarians: Einstein was a spaceman

According to Norman, poor planet Earth is greatly in need of this galactic invasion. Christ, Zoroaster, Einstein were all spacemen in disguise who tried, to no avail, to inform humanity of higher ways. But where they failed, Unarius pledges to succeed. "When they say the force be with you," Norman preaches, "Unarius is that force."

Dubbed "Spaceship Ruthie" by local wags, Norman is the Archangel Uriel to her devoted followers, who include former pot-heads, a one-time Protestant minister and the usual hodgepodge of suburban insurance salesmen and students. Some of the disciples have traveled across a continent to be around Unarius, which they claim has opened a new galaxy to them.

—Joel Kotkin

Mind & Body

Raw nerves

The Maryland Heart Association tested residents of the Crownsville, Maryland, nudist camp. Of all the disorders you might expect the naked residents *not* to have at least one made sense: only 12 of 163 nudists—7 percent—had measurable hypertension. Among we clothed, the rate is 17 percent.

Don't kiss the dog, Marvin! Don't!

Mothers who for years have kept their children from dogs with loving admonition ("You'll get sick! Get away from that mutt!") may finally gain serious justification. The British medical journal *Lancet* reports that a pair of neurologists found 26 of 29 observed Multiple Sclerosis patients had dogs at home. (Of 29 randomly chosen American households, 14 have dogs.)

Dr. Seymour Jotkowitz of Hackensack, New Jersey, was so upset by the findings that he went about interviewing his own patients in an attempt to refute the MS-dog connection. Of 50 MS patients, 46 had had close contact with a pet dog within five years of their illness. Of 50 without MS, only 24 had been around a dog. Dr. Jotkowitz thought it was worth a theory: if dogs are involved in the spread of MS, it's via a virus transmitted by that most pleasurable of sensual experiences—licking. Plausibility is lent to Jotkowitz's unhappy thought by the fact that the canine distemper virus is closely related to the human measles virus which is, in turn, thought to be linked to the organism causing MS.

— Larry Frederick

UPI

Dogs: From now on, just friends

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Media

And unto us a new tabloid's born

A new national affairs biweekly is set to hit the newsstands this month, entitled "Politicks: and other human interests." It is the brainchild of publisher Tom Morgan, the former editor of New York City's *Village Voice* and one-time press secretary to former New York City mayor John Lindsay.

Morgan, you may recall, was last heard from when he tried to buy the *Nation* in 1976. When the deal fell through, he decided to "start from scratch," producing a magazine "for the voter, the activist, and the news spectator." He is being helped by a staff of 18, including many who worked with him at the *Village Voice*, such as managing editor Audrey Berman and illustrator Ed Sorel.

Morgan had to raise $900,000 to launch *Politicks*. His wife, Mary Rockefeller Morgan, is Nelson's daughter, and a loan from her enabled Morgan to become the magazine's largest single investor. But it was his record as a journalist that helped convince others to join him. Morgan was with *Look* magazine during the last of its glory years in the fifties, and under his editorship, the *Village Voice* reached its highest circulation.

Most of those financially backing *Politicks* have had previous business relationships with Morgan. These include Carter Burden, an heir to the Vanderbilt fortune and political gadfly, who owned one of the largest blocks of stock in the *Village Voice* until he sold out to *New York Post* publisher Rupert Murdoch. Another backer, Gardner Cowles, was publisher of *Look* magazine, where Morgan got his start ("He was my boss"). And a group of his former schoolmates—he graduated from Carleton College in Minnesota, class of '49—have jointly bought one of the nine partnerships ("It's just love").

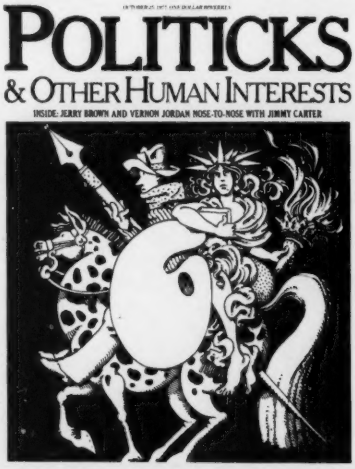
Having money to publish and having a successful product are two separate things. Morgan wonders at times whether there is an audience for *Politicks*. "The recent boom in journalism has been in those publications dealing with life styles. But we're dealing with politics, irreverently perhaps, but seriously, too," he said. "I hope our circulation can reach 100,000 in a year."

The first issue of *Politicks* will have a press run of 35,000 copies for newsstand and subscription distribution. It will contain articles by Frank Mankiewicz, Barry Commoner, Ronald Steel, Walter Karp, Reed Whittemore and Edwin Diamond. But what makes *Politicks* unique is its emphasis on artwork and a three-page listing of, as Morgan puts it, "conferences, meetings, hearings, conventions and boycotts" of interest to political activists.

The first issue will contain art from such well-known illustrators as Ed Sorel (*Village Voice*), Lou Myers (*New Yorker*), and John Alcorn (Design Director for *Politicks*). Morgan characterizes the art as political satire in the tradition of Thomas Nast, Daumier, and *Punch* magazine. "Part of our stance is to be very serious about our writing, yet at the same time irreverent and pointed in our political stance," he explains. "The way to do this is through art." *Politicks* will appear in tabloid form. ("Like the *New Yorker*," Morgan says, it will not use photographs to illustrate articles; it will run occasional photographic portfolios.)

And who will read *Politicks*? Probably not Nelson Rockefeller. The magazine is aiming for a liberal, politically involved audience, primarily on the east and west coasts. "It will be a concerned audience of activists," says Audrey Berman. "It's a magazine whose idea has come."

According to Morgan, *Politicks* will "provide services for citizen-participants in the political process." He feels that there is no journal dealing with the apparent "remoteness and anonymity" of decision makers, or with developments in activist movements around the country. He sees *Politicks* filling the void, becoming "a place for dialogue between issue oriented individuals." The first issue will be out October 11. —*Josh Martin*



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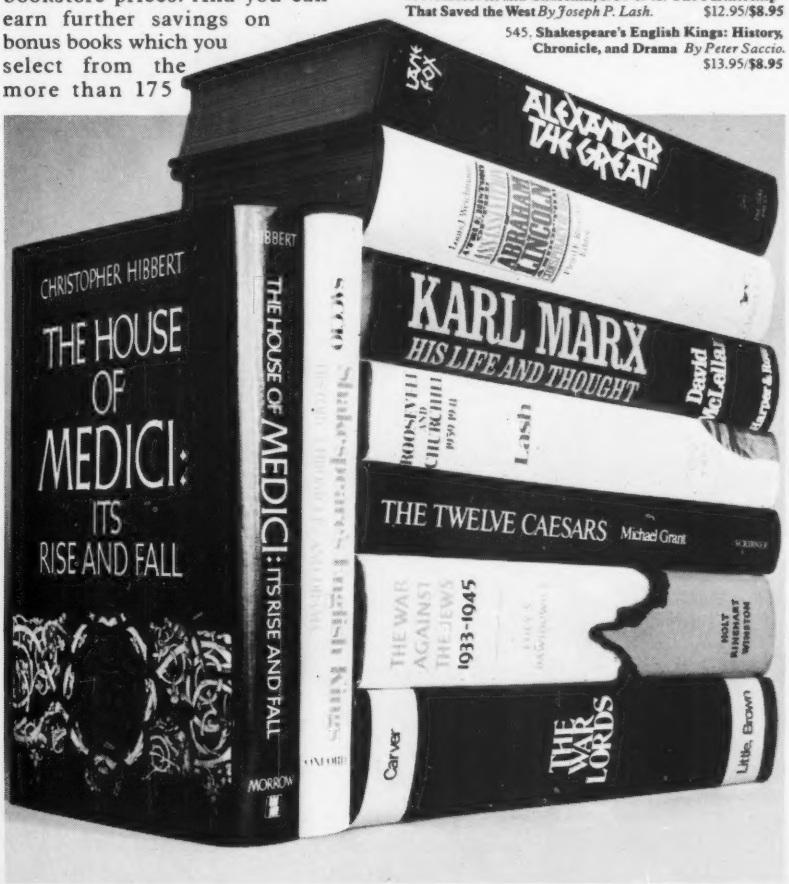

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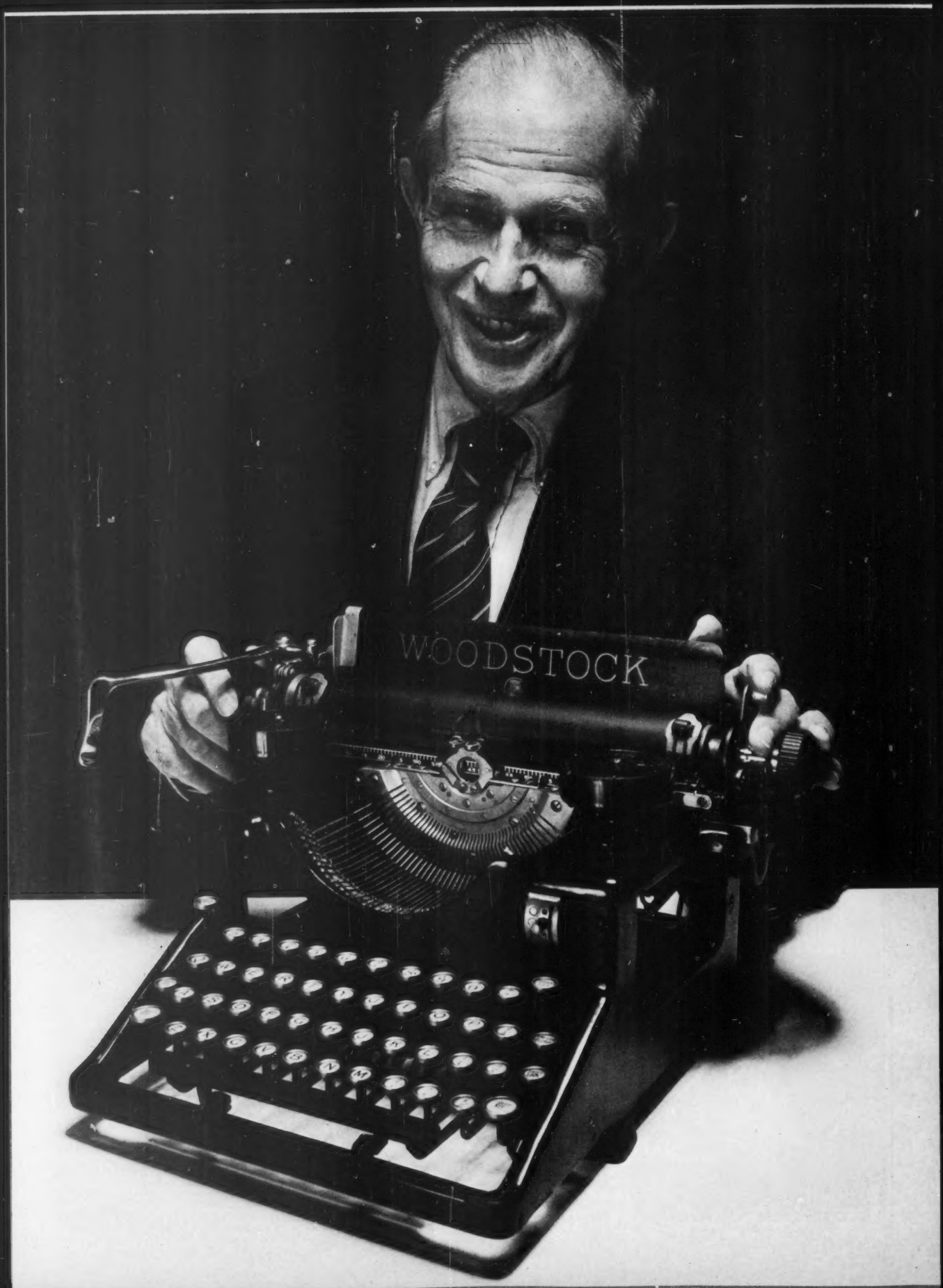
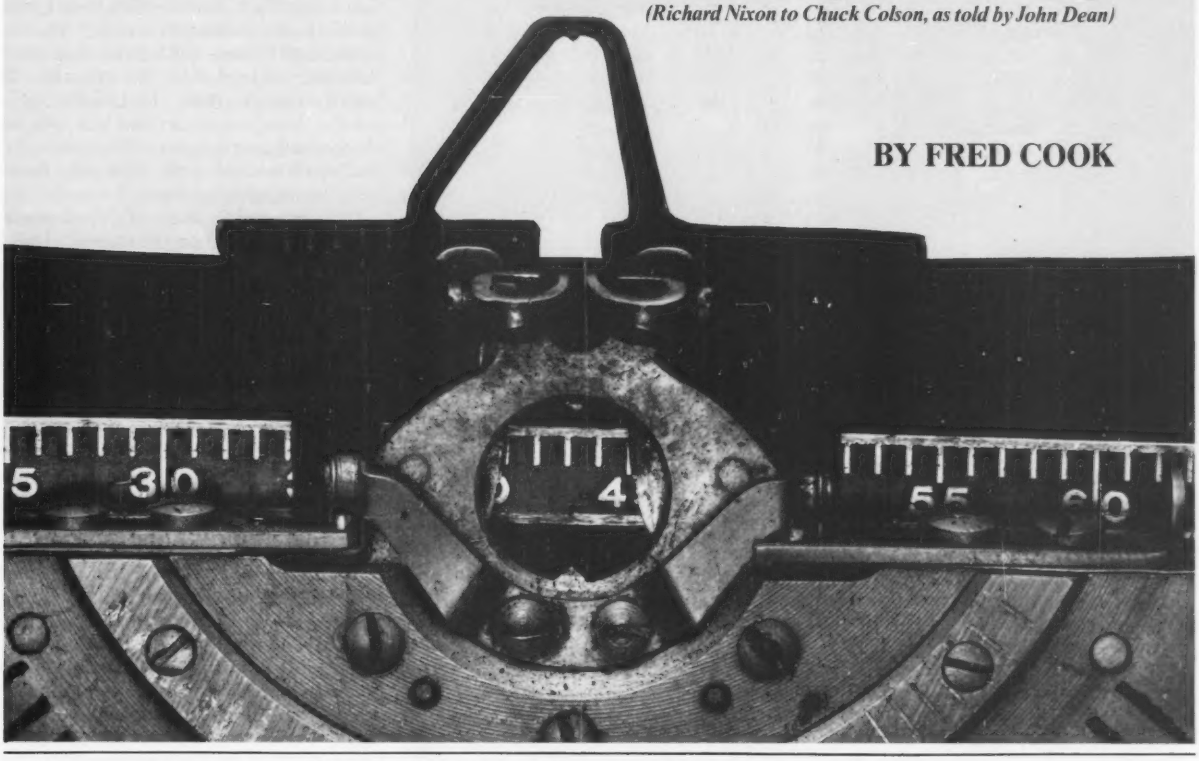

WOODSTOCK

"The typewriters are always the key."

(Richard Nixon to Chuck Colson, as told by John Dean)

BY FRED COOK



New evidence from F.B.I. files, involving double agents and a typewriter that was apparently purchased before it was built, raises old questions about the Hiss case.

The Alger Hiss case, the watershed episode of an entire generation tarred with the shadow of an alleged Communist menace, is heading for a new and probably final showdown in the courts based on two discoveries. It appears that the antecedents of the Watergate "plumbers" are to be found in this controversial case, which altered the course of American politics and stimulated much of the rhetoric of the cold war.

As a result of recent Freedom of Information suits, Hiss' attorneys have discovered: first, that Hiss was victimized by a double-agent, a detective hired to help him who was actually an informant for the Federal Bureau of Investigation; and second, that the Justice Department deliberately withheld from the defense exculpatory material in FBI files indicating that the mysterious Woodstock typewriter—a vital exhibit that played a major role in Hiss' conviction—was a phonied and fraudulent machine.

These will be the major pillars of a *coram nobis* action (a writ to correct earlier judicial error) that Hiss' attorneys are determined to file before the end of the year in an effort to wipe out his 1950 conviction for perjury, based on the charge that he lied in denying Whittaker Chambers' accusations that he had been a Communist and a spy.

The two elements—the activities of the double-agent and the origin of the Woodstock—interlock to give a new picture of a Byzantine struggle that was to profoundly influence the political structure of two decades. Out of it Richard Nixon emerged as a national public figure, his feet set on the path that would ultimately lead to the presidency, Watergate and disgrace. Out of it came the McCarthy era with its chant of "twenty years of treason." Out of it came the knee-jerk, hardline reflexes of Democratic administrations, forever shy of being labeled "soft on communism"—and so, in the end, committed to the ultimate folly of the war in Vietnam.

The key figure, a man of intrigue and mystery, is a German-born private detective, Horace W. Schmahl—short, squat, with a heavy guttural accent; master of many languages and endowed with a wily ability to talk his way out of the most precarious situations.

John G. (Steve) Broady, the famous private eye once convicted and imprisoned for bugging New York's City Hall, was Schmahl's employer in the later 1930s and 1940s. Broady recalls one daring exploit of Schmahl's that illustrates both his skill as a double-agent and his skill in getting out of scrapes.

During a visit to Germany in the days shortly after Adolf Hitler seized power, Schmahl ingratiated himself with Hitler's personal photographer to such an extent that he managed to steal and duplicate the keys to the darkroom and the private filing cabinets containing unpublished pictures of the Fuehrer. He purloined some of the best prints and smuggled them back to the United States.

"Some were not exactly flattering," Broady recalls, with a chuckle, "and of course those were the ones that sold for the most money here. There was a great furor in Germany when these pictures appeared in the American media, and the Nazis arrested Schmahl. They thought they had him dead-to-rights, and it was touch-and-go there for awhile. Of course, I pulled all the strings I could here, and Schmahl is pretty wily. He finally talked his way out of it."

The man who could walk away unscathed after rifling the private photographic files of Adolf Hitler was still working for Broady in 1948 when the

Fred Cook is the author of The Unfinished Case of Alger Hiss and The F.B.I. Nobody Knows.

PHOTOGRAPH BY NEIL SELKIRK

WIDE WORLD

Schmahl and Broady: On the Woodstock trail

Hiss-Chambers case erupted in eight-column headlines during the height of the Dewey-Truman presidential campaign.

A cornerstone of the Republican campaign strategy was the oft-repeated charge that the Roosevelt and Truman Administrations had been dyed pink by Moscow. Support for this thesis was offered by Whittaker Chambers, a round-faced, beefy editor of *Time* magazine.

Chambers took the stand before the House Un-American Activities Committee in the hot summer of 1948 and testified that a number of second-echelon New Deal figures in the 1930s had been Communists. Among those he named was Alger Hiss, who had gone on to become a rising young star in the State Department and had been a member of the American delegation at the wartime big-power conference at Yalta.

Amazingly, in the light of subsequent developments, Chambers repeatedly testified under oath that Hiss had never been a spy. He had been too valuable to the party to be risked in such a role, Chambers declared; his function had been to influence policy.

In November 1948, the totally unexpected happened: Truman defeated Dewey. And Chambers, as he later revealed in his book, *Witness*, felt threatened. The administration he had done so much to blacken had been returned to power and was in a position to investigate and possibly prosecute *him*.

Instantly, Chambers' oft-times repeated tale of subversion took a 180-degree turn and became a story of espionage. Hiss had sued Chambers for libel; and when depositions in the libel case were taken in Baltimore, Chambers, who had sworn Hiss had *never* been a spy, declared Hiss had *always* been a spy. And he produced a batch of State Department documents that, he declared, Hiss had brought home for his wife to copy on an old Woodstock typewriter the family once had owned.

This started a typewriter hunt unrivaled in history. Hiss' wife, Priscilla, née Fansler, had been given the Woodstock by her father, Thomas. Fansler had been in partnership with Harry L. Martin in a Philadelphia insurance business from the spring of 1927 (a significant date) until late 1930. When the partnership broke up, Fansler gave his daughter the Woodstock that he had purchased. Mrs. Hiss had used the machine to type letters, but it had long since vanished from the Hiss household, having been discarded as a virtually worthless piece of junk. Where was it now? And if it could be found, would it prove or disprove Chambers' tale of document copying?

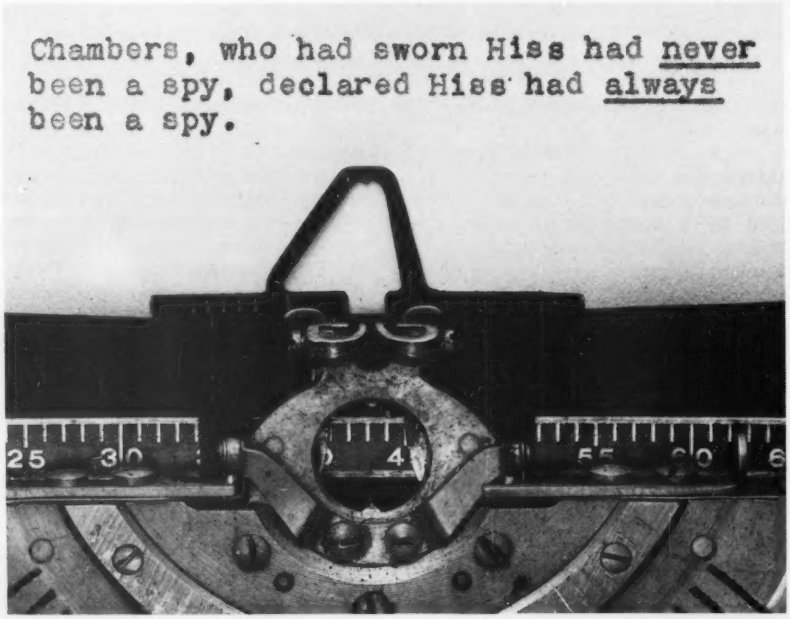
Enter the double agent. Edward C. McLean, Hiss' original attorney, contacted Broady. Hiss recalls McLean later telling him: "We're not big enough for Steve Broady to handle this himself, but he'll assign a couple of his men." The investigators Broady put on the case were Schmahl and Harold B. Bretnall. It would appear from McLean's time sheets, however, that Schmahl was in charge. All conferences, telephone calls and reports deal with Schmahl; Bretnall's name never appears.

Hiss met Schmahl in a conference in McLean's office on October 22, 1948. "I didn't like him," he recalls now. "He was short, squat, with a heavy German accent . . . and there was just something about him [Hiss shrugs recalling his intuition] that I didn't like. But Broady vouched for him, and so . . . [another shrug]."

It was not, Hiss says, until years later—after he had been convicted and was preparing an appeal—that Chester Lane, his new counsel, shocked him with the question: "Did you know that Schmahl was a double agent?"

Chester Lane had seen much wartime service in Washington, running Lend-Lease and inevitably coming into contact with intelligence agencies. When Hiss told him he had no idea that Schmahl had played a double role, Lane insisted: "Well, I know he was a double agent. I can't tell you how I know, but I *know*. Try to think back on everything he did for you."

Thinking, however, could not prove the deed. Proof rested in FBI files, then closed to the defense but forced open now through Freedom of Information actions. These documents reveal that Schmahl had been an undercover agent for U.S. intelligence agencies in various capacities for 20 years and that,



for more than two years, he regularly informed the FBI of everything he learned about the Hiss defense.

Schmahl was born Horst W. Schmahl in Dusseldorf, Germany, on June 28, 1908. He came to the United States in August, 1929; served for a time as a deputy sheriff in Nassau County, Long Island; then went into private detective—and undercover—work.

The FBI teletypes so far released trace Schmahl's dual role in the Hiss case almost from beginning to end. A memo from the FBI bureau in Philadelphia on December 7, 1948, reported that Schmahl had telephoned Martin, Fansler's former insurance partner, trying to locate samples of typing done on the old Woodstock. Schmahl is quoted as telling Martin he was cooperating with federal authorities and advising Martin to do the same.

There was nothing at the time especially suspicious in this, for Hiss and his attorney were also cooperating with the FBI, apparently in the belief that an impartial investigation would establish Hiss' innocence. For it was on this same December 7 that McLean turned over to the New York FBI some vital evidence later to be used against Hiss—three letters that Priscilla Hiss had typed on the old Woodstock in the 1930s.

A teletype from the New York office to Director J. Edgar Hoover that same afternoon disclosed that Schmahl had been in touch with the FBI and "desired to know if he should furnish any information he might obtain" when he talked to Martin in person the next day. Schmahl was advised, the memo says, that the FBI always conducted its own independent investigations and that he was not to give the impression he was representing the bureau in any way. The message added that, when McLean and Priscilla Hiss visited the FBI office later in the day, McLean "was informed of Mr. Schmahl's telephone [call] and request." This cryptic reference does not make clear just what McLean, who is now dead, was told about Schmahl's offer to tell the bureau all he learned.

"Of course," Hiss says now, "up to the date of the indictment on December 15, there would have been no objection to Schmahl's talking to the FBI if he could learn anything from them. But after that he should have had no contact."

The FBI files establish, however, that Schmahl's contacts were continuous, and give a picture of a detective who seems hardly to have been dedicated to the cause of his client. Typical is a teletype from the Philadelphia bureau on December 8, reporting Schmahl's questioning of Martin in the presence of Martin's attorney. It said:

"Martin and his attorney both gained the impression from Schmahl that there is doubt in his mind as to Hiss' innocence since Schmahl told them that Hiss' story concerning the typewriter and 'several other points' has been found to be inaccurate. . . . Schmahl did state that if Hiss were proven wrong on 'one more thing' his firm would withdraw from the case."

This attitude, even at this late date, comes as news to John Broady, Schmahl's employer. "I questioned both Hiss and Chambers," Broady says, "and I thought Chambers a kook and Hiss a high-type public official. I doubted very much that Horace Schmahl would do anything to harm Alger Hiss."

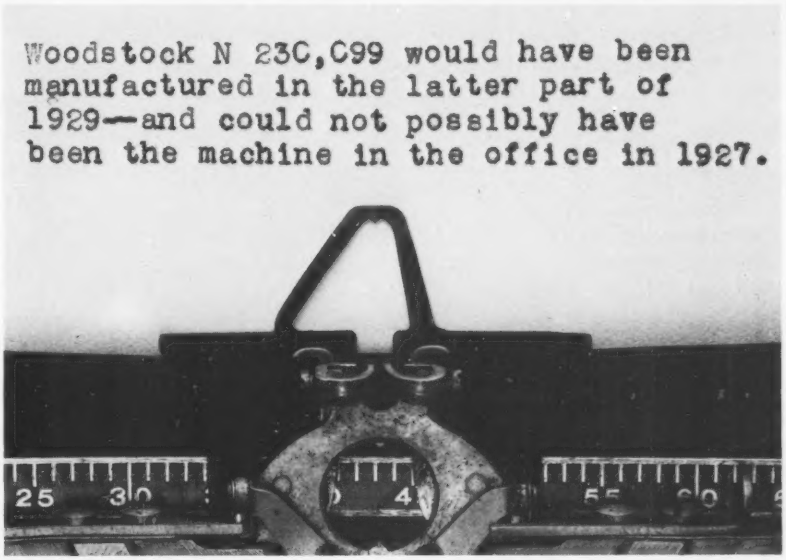
That isn't what the FBI records seem to show. They reveal, for example, that on December 16, 1948—the day after Hiss' indictment—Schmahl turned over to the FBI information potentially embarrassing to Chambers' wife, Esther. Schmahl had learned from the Baltimore Credit Bureau that Esther Chambers had obtained credit with the help of the credit rating of another Chambers—Jay, an assistant administrator in the Treasury Department. His wife's name, however, was Anne, and Esther Chambers, questioned by the FBI, couldn't explain "the errors" in the application she had filed.

The relationship between Schmahl and the FBI now became closer. A teletype from Washington to the field on December 22, 1948, reads: "Schmahl may know where the typewriter is located. Schmahl's instructions from Hiss and Hiss' law firm would be of great interest, as well as Schmahl's observations concerning the results of his own investigation. He may have an idea as to the serial number of the typewriter, where it was disposed of, when it was disposed of, if it was repaired, etc. Suggest bureau and New York office consider advisability of immediate interview with Schmahl."

It was an authorization that abandoned all pretense of an ethical, independent FBI investigation: it was an authorization to make full use of the double-agent to penetrate the Hiss defense. The New York bureau responded in a teletype December 23, informing Washington that Schmahl had been interviewed by two FBI agents on December 11. Schmahl had told the agents, the teletype said, "that during the war he had worked for military intelligence" and "that for the past twenty years he has been handling international work for the Department of Justice and the U.S. Attorney's office in the Southern District of New York."

Subsequent FBI memos leave no doubt about the continuing collaboration of Schmahl and the bureau. On November 18, 1950, the New York office reported that Schmahl, "who worked for the Hiss attorneys and subsequently furnished information on a confidential basis," had kept agents advised about Hiss' appeal strategy. It added: "As previously stated, Schmahl will keep our New York Office advised of any pertinent developments."

Enter now more ghosts from the underground of espionage and double agents. The Central Intelligence Agency has admitted to Hiss' attorneys that it possesses a large file on Schmahl, but it has fought disclosure on the hoary old grounds of "national security." It did on one occasion deluge the Hiss defense with hundreds of pages of reports dealing with Schmahl's possible involvement in the March 12, 1956, kidnaping of Dr. Jesus de Galindez, a Columbia University instructor and the foe of the Dominican dictator, Rafael Leonidas Trujillo Molina. The reports had nothing to do with the Hiss case, but they did confirm that Schmahl had worked for the office of military intelligence and the Office of Strategic Services (the World War II spy forerunner of CIA). The CIA furnished Hiss attorneys with a "partial invento-


Woodstock N 23C,C99 would have been
manufactured in the latter part of
1929—and could not possibly have
been the machine in the office in 1927.

TYPEWRITER PHOTOS BY NEIL SELKIRK

Two Fingers: Man or myth? His macho tequila may be the only clue.

The dusty, potted roads that lope across the U.S.-Mexican border have seen their share of characters.

But few have been so interesting, or perhaps so strange, as Two Fingers.

That's all. Just Two Fingers.

Oh, some say his last name was Ortega. We can't prove it, though. Everybody just called him Two Fingers because he only had the first two fingers on his right hand.

Seems all he did was drive up from Mexico in the late 30's and sell tequila. His own kind—Two Fingers Tequila.

Tequila Secret. He never cared to go into details about himself. But about his tequila, he would talk all night.

"Ten years it takes to ripen my mezcal plants. Why, with all that time I could run for el Presidente!"

Others liked to tell about his boast: "My boys and I squeeze the tequila out drop by drop. Then the real job is getting the right flavor."

How did he get that "flavor"—the thing that made his tequila so popular with depression folks hard pressed for cash?

Two Fingers never told. Neither did Honey, the woman who always made the trips north of the border with him. "None of your business," she would say. "Just drink and enjoy."

Lost Fingers. Two Fingers kept a lot of secrets. Like how he lost those fingers.

We never could pin the story down for sure and Honey was no help. She was known to wink and say she whacked them off one night "after he was out carousing."

Two Fingers wasn't too trusting. Especially when it came to sending his tequila with a shipper.

"Good tequila don't have to ride no steam train. It just has to be cared for by good folks."

Our sources say that he started making trips with his own truck twice a year. By the late 30's he was up to six a year.

People as far north as Tacoma, Wash., said they saw his truck.

Vanished. Then right before the end of the decade he appears to have stopped. Cold.

Nobody seems to be quite sure what happened to him. Maybe he retired a rich man to ranch in Jalisco. That doesn't seem too likely, though.

Whatever the case, Two Fingers left his mark. As strange as he was he got respect because he did things the only way he knew how. Right.

His legend is fading fast. But luckily, his tequila lives on.

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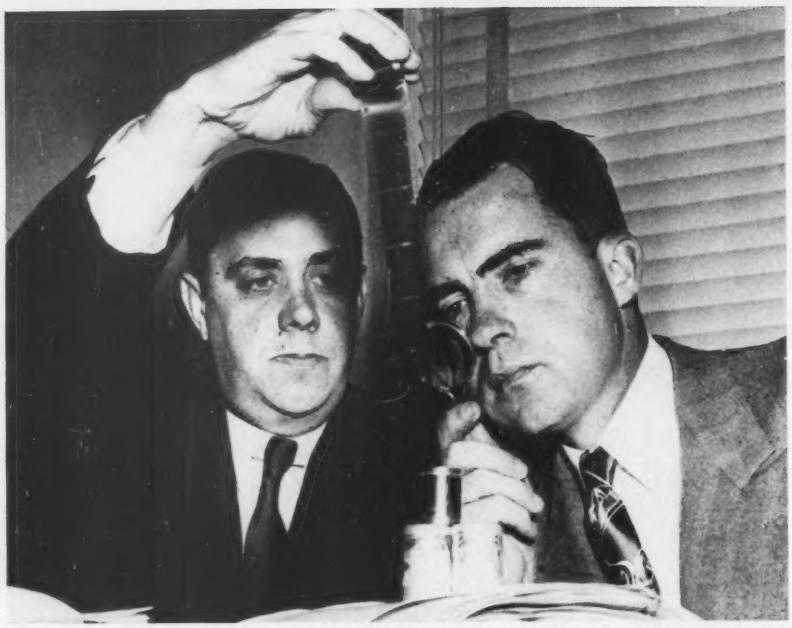


WIDE WORLD

Pumpkin Surprise: Rep. Richard M. Nixon (right) prepares for his Senate race

ry" of other documents relating to Schmahl, and a court battle is now going on to force full disclosure.

It could be a pivotal battle because the little that has seeped out from under the official rug contains some tantalizing clues. A confidential memo from the Assistant Chief of Staff, G-2, Headquarters for the Second Army on Governor's Island during World War II, reveals that Schmahl had come under suspicion as a possible Nazi sympathizer. The memo, dated February 7, 1941, said that Schmahl "strenuously denies" these charges though admitting to an acquaintance with Fritz Kuhn, the German-American Bund leader, and Adam Kunze, an avowed pro-Nazi and, significantly perhaps, a genius at constructing and repairing typewriters.

With Horace Schmahl and Adam Kunze, one begins to get at what well may be the heart of the continuing Hiss case—the mystery of the double agent and the mystery of the typewriter. The Hiss defense, after giving the FBI samples of Priscilla Hiss' typing, tried to find the old Woodstock. The FBI, naturally, was hunting for the same machine.

It should have been an uneven contest. The FBI had some 35 agents combing Washington, and other agents in field offices across the country tracking down clues to the identity of the elusive typewriter. Yet the Hisses, amateurs in the detective business, found it. Or at least found *a machine*.

The Woodstock that they finally traced through their former servants, the Catletts, bore the serial number N-230,099. Hiss and his attorneys had anticipated that the typing done on the machine would disprove Chambers' charges; and they were apparently stunned when document experts told them that the typing matched that of the Baltimore documents and the original letters typed by Priscilla Hiss in the thirties.

Professor Allen Weinstein, who secured the first release of FBI documents under a Freedom of Information action, is now preparing a book that, he indicates, will attempt to prove Hiss guilty. Weinstein has charged that Hiss lied when asked by the FBI and the grand jury what had become of the typewriter. Hiss had already suggested to his attorneys that it might have been disposed of to the Catletts, but he told the prosecutors he had no *independent* recollection of what had become of it. This may well have been the literal truth. Hiss in his own book, *In the Court of Public Opinion*, wrote that he did not know what had become of the Woodstock, but that his stepson, Timothy Hobson, suggested in a family conference that the Catletts might have it. Hiss passed this tip on to his lawyers before he testified before the grand jury, but he was hardly under any obligation to be more than literally truthful to the federal bloodhounds who were by then obviously baying on his trail.

In any event, the Woodstock was not easily found. Donald Hiss, Alger's brother, and his associates had a difficult time with the Catletts. It is a labyrinthine tale, filled with indications that FBI agents (as would be logical) had already questioned anyone who might have had possession of the machine. When Chester Lane became suspicious about the Woodstock, he tried to backtrack on the manner in which it literally fell into the hands of the defense. He found a maze of conflicting and contradictory stories. One time the Hisses were told the machine was "sitting right there" on a table in the home of a mover named Ira Lockey—only it wasn't; another time, it was supposed to be in a closet—only it wasn't. Mike Catlett, who was helping in the search, claimed he had seen FBI agents at Lockey's place and wouldn't go near it. As for Lockey, he refused to talk, then he professed to know nothing—and then, suddenly (and only when Hiss' attorneys accompanied Catlett to his house) Lockey produced Woodstock N 230,099 like a magician pulling a rabbit out of a hat.

The defense offered the Woodstock in evidence during the Hiss trials, the second of which, in early 1950, ended in Hiss' conviction for perjury. The prosecution called the documents and the Woodstock (which the defense had produced but which sat in court like an accusing prosecution exhibit) "the immutable witnesses" to the crime it said Alger Hiss had committed.

Yet the government must have known, as laymen and even Hiss' trial counsel did not, that the witnesses were anything but "immutable." At the heart of the government's case lay a spurious contention—that the typing of each individual typewriter has identifiable characteristics that make it as distinctive as the human fingerprint. Hence the Hiss defense, having accepted Woodstock N-230,099 as the original Hiss machine and having been told by its own document experts as well as those of the FBI that its typing matched that of the Baltimore documents, was boxed into a position in which it had no rational explanation to support its claim of innocence.

The defense could not know that the government's typewriter-fingerprint analogy was fraudulent. But the FBI and the government must have known, for forgery by typewriter had been practiced with great and startling success by the clandestine services in World War II. The British Secret Service, with which the FBI maintained close liaison, had on one occasion fabricated a document with such skill—duplicating paper, ribbon, ink, typing and official letterhead— that it was accepted by the pro-Nazi Vargas government of Brazil as evidence of Nazi plotting against Vargas. And so it changed Brazil's entire policy toward the Axis powers.

By comparison, the forgery of documents Chambers produced in Baltimore and tagged to Hiss would have been as easy as embellishing a fairy story for some wide-eyed, credulous kid. But was this, in fact, the case?

The question was never raised until Chester Lane, convinced of Hiss' innocence on the espionage charge, honed in on the mystery of the Woodstock and the possibility of forgery by typewriter. He took two approaches. He tried to find out from the Woodstock factory in Woodstock, Illinois, when a machine

bearing serial number N 230,099 would have been manufactured; and he hired Martin K. Tytell, a typewriter expert, to manufacture a machine that would duplicate the typing of the Baltimore documents.

Joseph Schmitt, plant manager at Woodstock, gave Lane's investigator one important clue. The type used on the machine produced in court, he said, could not have been used on a machine with the serial number N 230,099. Such a machine would have been manufactured in August or September, 1929, but the kind of type on N 230,099 had been discontinued at the end of 1928. Schmitt added without elaboration that his company "had helped the FBI find the typewriter in the Hiss case"—just one of many assertions, including some by Richard Nixon himself, that either the FBI or the House Un-American Activities Committee had "found" the typewriter they were never supposed to have had in their possession.

Lane, in arguing the appeal, told the court that he had been blocked at every turn by the FBI when his research turned to the sensitive issue of the typewriter. When he sought records, the FBI would not give them up; when he tried to interview witnesses like Schmitt, his agents encountered FBI surveillance, and FBI pressure sealed lips so that potential witnesses refused to sign affidavits.

Now, as a result of the Freedom of Information actions, the FBI has been forced to cough up some of the evidence it withheld from Hiss during his trials and appeal. One revealing FBI report from the Philadelphia office on December 23, 1948, summarized what had been learned by questioning and re-questioning all sources. It pointed out that no exact record of serial numbers had been kept by the Woodstock company, but it added that a "trade-in manual for the use of dealers" listed the approximate serial numbers for each year. According to this manual, Woodstocks coming off the line at the beginning of 1929 started with the serial number 204,000; in 1930, the starting number was 240,000.

In other words, Woodstock N-230,099 would have been manufactured in the latter part of 1929, as Schmitt had told Lane's investigator—and could not possibly have been the machine in the Fansler-Martin insurance office in 1927. About that 1927 date for the purchase of the Fansler machine there could be little doubt, for the FBI added:

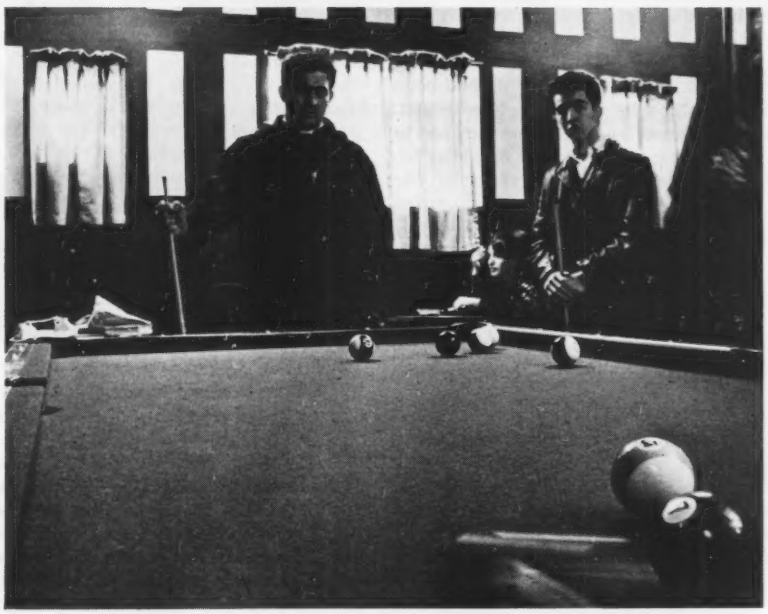
"In view of the fact that Thomas Grady, the salesman who sold the Woodstock typewriter to the Fansler-Martin partnership, resigned on December 3, 1927, it would appear, therefore, that the serial number of the typewriter sold to Fansler-Martin would be less than 177,000."

After the Hisses found N-230,099, FBI bureaus all over the country thrashed around to determine whether they had erred in their original investigation. All that this frantic re-examination produced, the documents show, was a confirmation of the original data. The Chicago office on May 20, 1949, sent FBI Director Hoover a list of serial numbers furnished by Joseph Schmitt, "indicating the various serial numbers being used at the times technical changes were made in Woodstock typewriters." Schmitt vowed for the accuracy of the list, the Chicago office reported, and it showed that a highly significant changeover had been made in March, 1929. That was when machines labeled "New Style Action" were first produced, starting with serial number 220,000.

This was the reason, it now becomes apparent, that Schmitt could have been so positive in telling Lane's investigator that 230,099 could not have been manufactured before August or September, 1929. Yet the FBI's re-investigation showed that the Fansler-Martin machine was purchased in 1927. Salesman Grady was re-interviewed in Milwaukee and insisted "that he could not have sold this typewriter [N 230,099] as he sold no typewriters subsequent to leaving the employ of Woodstock in December, 1927."

The evidence now dragged out of the FBI files seems conclusive. The Woodstock machine produced in court was a phony, not the original Fansler-Martin machine, and the inescapable conclusion is that it was planted on the Hisses with the deliberate intention of wrecking the defense, a tactic that succeeded brilliantly. The corollary is that the FBI, by the time of the trials at least, was fully aware of this fact, as its own internal memoranda show, but it kept this vital exculpatory data from the defense until recently compelled to unburden itself.

The FBI's sensitivity to the typewriter issue and its collaboration, either



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by quiet acquiecence or active participation, in a plot to frame Alger Hiss has long been apparent to me. I had originally, like most Americans at the time, considered Hiss guilty as sin. It was a conviction based upon those *documents* Chambers had produced. Documents couldn't be refuted, could they?

Then Carey McWilliams, editor of *The Nation*, persuaded me to examine the record in the Hiss case, and I found myself unable to swallow Whittaker Chambers' changing and conflicting accounts under oath. Especially incredible was his version of his break with Communism. He pictured it in *Witness* as a life-shattering experience, a time so traumatic that he lived in terror of retribution and slept with a gun at his side. There should have been, it would seem, no doubt in a man's mind about just when he had undergone such an ordeal; and in Chambers' case, in nearly a dozen recitals, there had been no doubt. He had invariably fixed the year of his break with Communism as 1937. But the documents he had so suddenly and dramatically produced were dated in 1938—the last of them April 1, 1938. If his unwavering recollection through the years had been correct, then he could not have gotten the documents from Hiss and they had to be forgeries; and so, in the first Hiss trial—after several queasy shifts of the date of his break—Chambers settled upon a positive date, April 15, 1938, one that, at least, would not do violence to the dates on the documents he had produced.

This highly suspect sequence, Chester Lane's research into the origin of N 230,099, his success in having Martin Tytell build a Woodstock that duplicated the typing of the documents—all of this and much else convinced me that the government's case against Hiss reeked with a rotten odor. So I wrote a long article for *The Nation* , and in 1958 expanded the article into a book, *The Unfinished Story of Alger Hiss*. Then strange things began to happen.

I was sitting at my rewrite desk in the old New York *World-Telegram & Sun* on March 25, 1958, when I received a telephone call from John Willey, my editor at William Morrow. He sounded worried.

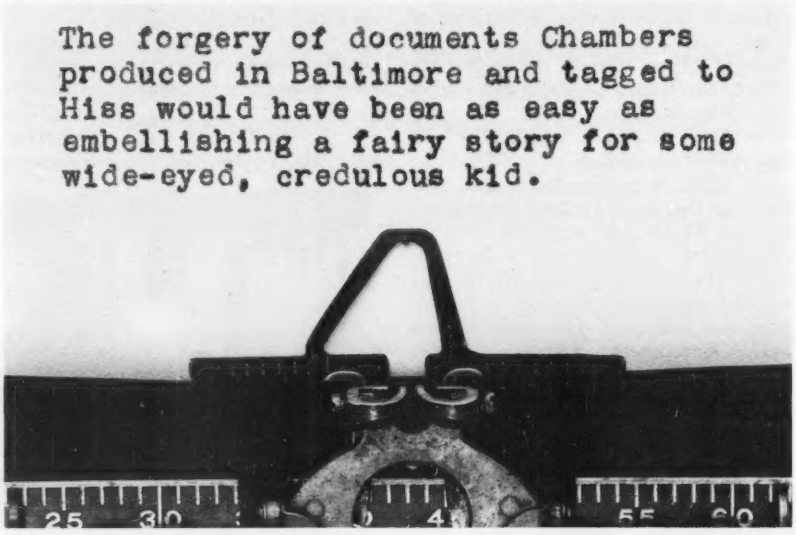
"Fred," he said, as I recall, "we have been warned by a very old and very trusted friend of the firm that we have a bad one in your book, and we will look foolish if we publish it."

Completely taken aback, I asked John who had made such a charge. He couldn't tell me, he said, but Morrow regarded it as a very serious matter. Could we have lunch together that very day?

A few hours later, an extremely worried editor and an equally concerned writer sat down to lunch; I asked John Willey to spell out the details of the charges that had been leveled against my forthcoming book.

"I can't tell you who this comes from," he began. "You will just have to take my word for it that it comes from a very old and very trusted friend of the firm, a man whose integrity is beyond question and whom we trust completely. That's why we are so worried.

"Now, our friend tells us this: He knows a private investigator who says he was hired by a law firm, not the present Hiss law firm, to help investigate the case. In the course of his work, he obtained photostats of the typing produced by the Tytell machine, and the typing does not match that of the documents at all. Any expert could detect the fraud in a minute, and we will look extremely foolish if we publish your book."


The forgery of documents Chambers produced in Baltimore and tagged to Hiss would have been as easy as embellishing a fairy story for some wide-eyed, credulous kid.

PHOTOGRAPH BY NEIL SELKIRK

I was taken aback—and quite amazed at the effrontery of a maneuver that had some transparent flaws.

"Look, John," I said, "two things strike me about this right off the bat. In the first place, the Hiss defense quickly discovered that they could not trust private investigators. Everyone they tried appeared to be hooked directly into the FBI; and whenever they sought a particular piece of information they found that the FBI, obviously tipped off, had gotten there just one step ahead of them. For instance, they employed Ray Schindler at one point early in the investigation; his bills were so huge that he almost bankrupted the law firm—and then he refused to sign an affidavit about what he had done for them."

When I mentioned Schindler's name, John Willey started as if some ghostly courtesan had jabbed him with her 1890s hatpin. I noted the reaction, but I was too busy spelling out the facts to pay any more attention to it at the time.

"The second point, John," I went on, "is that no expert worthy of the name will put his reputation on the line on the basis of photostats. Document experts insist on working from originals because there is too much loss of detail in a photostat.

"In addition to all this, the Hiss defense had given up on private detectives before the Tytell machine was made. Information about this was tightly held in their own office, and no private detective could possibly have had photostats of the typing."

I told John I was certain of these facts, but I would check with Mrs. Helen Buttenwieser, Chester Lane's law partner, and write him a letter confirming what I had told him. We parted, and I started back to the newspaper office.

As I walked, I puzzled over John's startled reaction when I mentioned the name of Ray Schindler. Then the truth hit me. Schindler and Erle Stanley Gardner, the creator of Perry Mason, and for years one of Morrow's most successful authors, were collaborators in a project called "The Court of Last Resort," investigating cases in which justice might have gone awry and presenting their findings as a regular feature of *Argosy* magazine.

The following morning, after Mrs. Buttenweiser had confirmed everything I had told John and had extended an invitation to Morrow to examine all the correspondence and records if they wished, I wrote John Willey a letter (I still have a copy preserved on old newsroom copy paper) that began: "If I am right, the report that you discussed with me yesterday was written by Raymond Schindler and came to you through Schindler's Court of Last Resort buddy, Erle Stanley Gardner."

After John Willey had read the two-page letter, he telephoned me. "Fred," he said, "that was an interesting letter you wrote. A *very* interesting letter."

He chuckled and I chuckled—and Morrow went ahead with the book.

I had predicted in the last line of

my letter that the devious Schindler-Gardner maneuver would probably turn out to be only the first endeavor of the kind. And I was right.

Just before publication, I received a telephone call from a writer unknown to me. He said he had published an article on one phase of the Hiss case, and he wanted to have lunch with me and tell me about his experiences. A check showed that he had, indeed, written the article he mentioned, and so I agreed to see him.

He turned out to be a short, stocky man, wearing a black beret and with a jaunty, foreign-agent air about him. Over lunch, his friendly, solicitous questions seemed to focus on two major points: Just what had impelled me to write the Hiss book? And would I please be careful when the book was published? His magazine article had brought him such a barrage of vile abuse, he said, that he just couldn't imagine what I would be in for when I published *a book*. I had a family, didn't I? Yes, a wife, son and daughter, all living at home. Well, it was going to be just terrible for them, he said. There would be telephone calls at all hours of the night. Denunciations. Obscenities. Perhaps I should have my phone unlisted.

No, I told him; I wouldn't. I had written the Hiss book as an act of conscience, convinced the case was as bad as the famous French Dreyfus case; and I intended to play it straight and see what happened.

Nothing did. The book was published, died quietly in the hostile atmosphere of the 1950s, and I received not one abusive call. The effect, of course, was to convince me of the accuracy of the conclusions I had reached; for, if a case is valid, there is no need for such obviously inspired, Machiavellian maneuvers designed to kill off a book that questions it.

This conviction has been reinforced by a series of developments through the years. The thrust of all is in just one direction: time and again, those closest to the prosecution, those in the best position to know, have made the same assertion—that the government, either the FBI or agents of the House Un-American Activities Committee, *found* the typewriter before mysterious Woodstock N 230,099 turned up in the possession of the Hisses.

John Dean in his recent book, *Blind Ambition*, made the latest contribution in the chain. According to Dean, Nixon and his special counsel, Charles Colson, were discussing the Dita Beard memo, which referred to a commitment by the International Telephone & Telegraph Company to contribute $400,000 to the 1972 Republican campaign. Nixon was anxious to prove the memo a forgery:

" 'The typewriters are always the key,' the president told Chuck. 'We built one in the Hiss case.' "

He did not identify the "we," but in earlier discussions with aides during the Watergate crisis he had asserted that he had conducted the Hiss investigation with just two House committee aides, and he had added: "We got it done . . . We then got the evidence, we got the typewriter, we got the Pumpkin Papers. We got all that ourselves. The FBI did not cooperate."

Colson has said he can't remember the conversation Dean quotes, but Dean's gift of total recall is well-established—and, in addition, Nixon's remark ties in with a number of other similar slips over the years.

In an official report in 1951, the House Un-American Activities Committee wrote: "The committee wishes to commend the Federal Bureau of Investigation for its work in bringing this case to a successful conclusion. The location of the typewriter [a most peculiar phrasing] and certain other pieces of evidence needed during the trial of the case was amazing."

Nixon himself, in his own book, *Six Crises*—a work to which he constantly referred in talking to his palace guard during the Watergate crisis—wrote explicitly: "On December 13, FBI agents found the typewriter. On that same day, I appeared before the Grand Jury with microfilm [of a second batch of documents that Chambers had taken from a pumpkin on his farm] . . . On December 15, the critical last day, an expert from the FBI typed exact copies of the incriminating documents on the old Woodstock machine and had them flown up to New York as exhibits for members of the Grand Jury to see . . . ."

After I had called attention to this statement that swore at the very fundamentals of the government's case, Nixon became unavailable to the press. His public relations men attempted to explain that it was all just a researcher's error. The researcher had come across the clipping of a story written by Tony Smith for the Scripps-Howard newspapers on December 13, 1948. Smith reported that House investigators (not the FBI as Nixon wrote) had found the typewriter in the Hiss case. But Smith's story had contained none of the specific details that appeared in the Nixon account; and it seemed incredible then, as it does today, that Richard Nixon, the principal accuser of Hiss, could have been the victim of a "researcher's error" about a case he knew so intimately.

Such unconscious disclosures seem like confirmation of the clues that lurk in the FBI's tracking and re-tracking of the origin of N 230,099. Was this machine indeed fabricated and planted on Hiss to frame him for a deed he didn't commit?

That, of course, is the vital ques-

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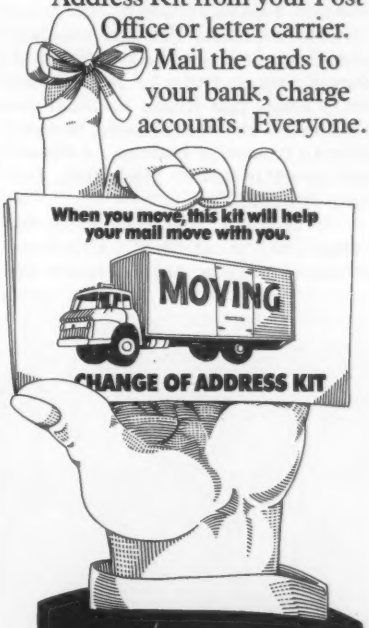

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tion, and again there is one tantalizing thread. In the mid-1960s, Harold Bretnall—the detective who had been assigned to the Hiss case by Broady along with Schmahl—walked into the law office of Walter E. Beer, Jr. It was the office with which Chester Lane had been associated before his death.

Bretnall, looking around, spotted the file of courtroom testimony in the Hiss case and asked one of Beer's assistants if the office had a special interest in the case. The lawyer acknowledged that it did. Then Bretnall astonished Beer and his associates by saying: "Oh, I know all about that. Hiss was framed."

He explained that his one-time partner, Schmahl, had been a friend of Adam Kunze and that he had learned from Schmahl that Kunze had built the mysterious Woodstock. Kunze, he said, had had a typewriter business on Greenwich Street in lower Manhattan, but Kunze was dead.

True or not? Hiss' lawyers had little chance to find out. Shortly after Bretnall talked to them, he was fatally injured in an automobile accident in Westchester County. The accident, coming so soon after Bretnall's disclosure, made Hiss' lawyers suspicious, but Bretnall lived long enough to assure them that the accident *had* been an accident, that no foul play had been involved.

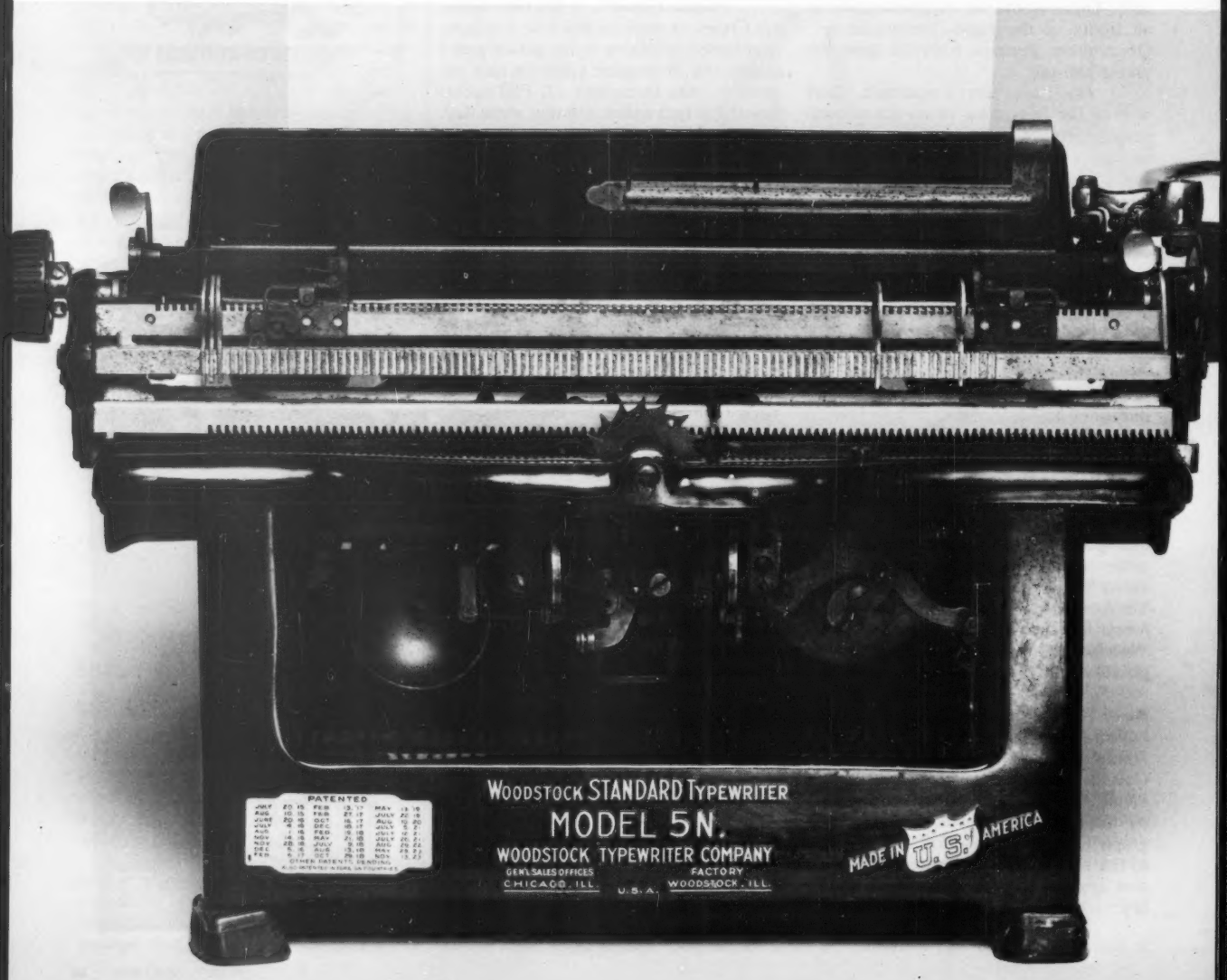
A check of old Manhattan telephone directories showed that Kunze's shop, in the late 1940s, had been located right where Bretnall said it had been. Schmahl had moved to Fort Lauderdale, Florida, and refused to talk about the case. It was a dead end except for one other intriguing item. When Martin Tytell began to scrounge around typewriter shops hunting old Woodstock type with which to fabricate the machine he made for Chester Lane, where did he obtain a lot of this rare, out-of-date type? In the shop of Adam Kunze.

There, at the moment, is where it rests. Hiss and his lawyers are still battling the FBI and CIA in the courts in an effort to find out what may still lurk undisclosed in the secret files. The government is resisting every step of the way.

"Under the Freedom of Information Act," Hiss says, "you are supposed to be able to get the information in the files in twenty days. We've been battling for twenty months. The CIA has given us a partial inventory of the material they have on Schmahl, and it refuses to say what else it may have. We want a full inventory.

"The FBI has given us 'summaries' of reports from its regional offices and argues that it believes everything of significance was sent to headquarters. But we are going into court to try to get the basic information to which we think we are entitled."

Such preliminary legal skirmishes are delaying the filing of Hiss's *coram nobis* action, and the vigor with which the government is fighting in the cause of delay adds one final note of suspicion to a case riddled with suspicious circumstances. If the case against Alger Hiss was a valid case, why the resistance? Why not open the files, put it all on the line, and let it all hang out? ●



The true grit of Alger Hiss

Alger Hiss, at long last, is an angry man.

In the almost 20 years that I have known him, Hiss, gentle and soft-spoken, seemed to take an almost dispassionate view of his own case. Though he insisted on his innocence and continued stubbornly to try to prove it, the fury that might be expected in him seemed lacking. But now his voice quivers as he discusses new discoveries about the duplicitous role the late J. Edgar Hoover played in his case.

"I never felt angry at anyone until I began to go through the documents we are now getting from the FBI under the Freedom of Information Act," Hiss said in a soft voice, sitting in the New York office of the National Emergency Civil Liberties Committee.

"I never felt bitter or vindictive toward Whittaker Chambers because I considered him of unsound mind, and it was difficult to get steamed up about him. I didn't even feel particularly bitter about Richard Nixon; he was just a cheap, opportunistic politician. But Hoover was supposed to be the head of an impartial investigating agency, and the documents we are getting show that he played a partisan role throughout. He issued specific instructions: 'Get evidence to support what Chambers has to say.' And again, when there was a chance the grand jury might indict Chambers for perjury instead of me, Hoover issued instructions: 'Forget Chambers. Get Hiss.'

Obtaining such information hasn't been easy. Hiss' attorneys, K. Randlett Walster and Victor Rabinowitz, have been tied up in court for nearly two-and-a-half years while the "New FBI" of Clarence Kelley and the U.S. Department of Justice have fought every attempt to uncover what might be hidden in their files.

They contended that "all relevant" material had been sent to FBI headquarters in Washington. Hiss' attorneys argued they should have the right to determine what was "relevant," and they wanted to see the material in bureau files in New York, Boston and Philadelphia. The New York bureau was the key because its agents were the ones who questioned and coached Chambers in preparing the case for trial.

The FBI at first insisted that there were no additional documents in the New York FBI office. But after three months of legal haggling, the government at last threw up its hands and said in effect: "All right. There are 60,000 pages of reports in the New York office. You can have them."

"You have to keep going into court," says Hiss. "You have to keep pressing until they finally reach a place where there is nowhere else to go. But all of this is terribly time-consuming and terribly expensive.

"I think they probably have two motives in all of this. The longer the case is dragged out, the more they hope you will become discouraged. And then, if I die, the case is dead; there is no way my heirs could fight it. I'll be 73 next month, and the actuarial tables are on their side."

In financing this long and costly delaying battle, Hiss has had the help of a dedicated band of volunteers, and has gone on the lecture circuit to raise funds. He spoke at 15 colleges this year at $2,500 per appearance, and the whole amount has gone to finance the legal effort.

As this issue of *New Times* goes to press, Hiss' aides are just beginning to search through the first batch of those 60,000 supposedly nonexistent documents. Two early discoveries seem to demonstrate that the government's case against Hiss was built on quicksand—and that the FBI knew it.

The first was a telex from the New York bureau, dated January 14, 1949 (after Hiss's indictment and while the case was being prepared for trial) in response to a query from Leo Laughlin in the Washington headquarters, questioned information sent the day before. It reads: "He [Laughlin] stated that the Director had questioned whether the name of Donald Hiss [Alger's brother] should have been included in the group Chambers claimed was operating under Harold Ware [a Communist cell leader]. I advised him, after checking with S[pecial] A[gent] Thomas Spencer, who was at that moment interviewing Chambers, that the teletype as sent was correct; that Donald Hiss was, according to Chambers, in the group. I also advised that he [Chambers] had not put Alger Hiss in the group because he was not sure Alger Hiss was in the group. Consequently, no statement was made regarding Alger Hiss."

This should have been a shock to Hoover because the charge that Hiss had been a Communist was founded upon Chambers' sworn testimony before congressional committees and the federal grand jury that Alger Hiss had belonged to a Washington Communist cell headed by Ware in the 1930s.

A second discovery in the New York files is even more damaging. The New York FBI bureau on February 2, 1949, drafted a long pre-trial scenario, outlining the evidence needed to convict Hiss and discussing how it should be handled. A section labeled "Documentary Evidence" dealt with the core of the case—the 69 pages of typed documents Chambers had claimed under oath that Hiss had brought home from the State Department to be copied by his wife.

Discussing these documents, the New York bureau included a parenthetical jarring note: "It is not clear at this time if Chambers can testify that he received these particular 69 documents from Hiss, but upon establishing the facts of this situation, decision can be thereafter reached as to who is in a position to introduce these documents."

Chambers, of course, had testified that he got all these documents from Hiss, but now he was waffling. In the end, he was brought up to scratch and testified in the trial as he had previously that the documents came from Hiss. Only the FBI knew how uncertain and unreliable this testimony was.

Summing up, Hiss declares: "We can now show that basic elements of the government's case were tainted by non-disclosure of evidence vital to the defense and by misleading tactics—or worse. There are not many cases in which you can demonstrate malfeasance on the part of the government and we couldn't, except for the material we are obtaining under the Freedom of Information Act. But now we can, and now we have the grounds for the *coram nobis* action we hope to file by the end of November." —F.C.

RIOT IN FISH TANK 11

The abduction/liberation in Hawaii of two dolphins spotlights a tricky question for the Aquarian Age: do animals have rights?

by Arthur Lubow

By the time Ron Antinoja reached the Kewalo Basin laboratory in downtown Honolulu, television cameramen already were standing outside. "Is it true that your dolphins are missing?" one called out.

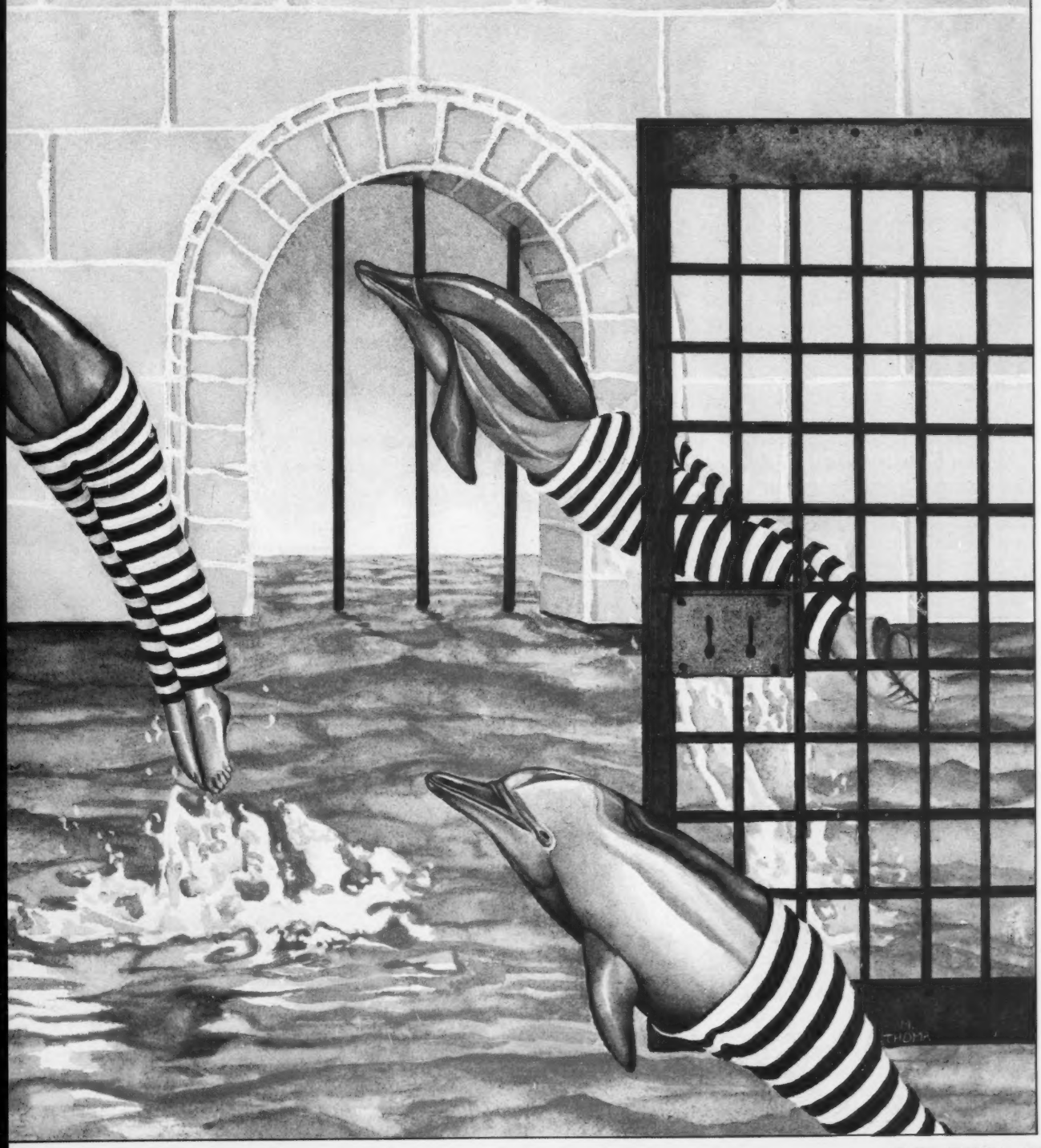
Feeling his stomach tighten, Antinoja shook his head no, then slammed the lab door behind him. But a first glance confirmed his worst fears: the

ILLUSTRATION BY MARTA THOMA

tanks were empty. Kea and Puka were gone. In their place, in each tank, bobbed a rubber porpoise. On one was scrawled the message, "Let my people go"; on the other, "Slaves no more." And on the lab blackboard was printed a note: "Went surfin'—Kenny, Puka, Steve and Kea. Aloha."

Kenny was Kenny LeVasseur; Steve, Steve Sipman. They were the 26-year-old undergraduates who cared for the two dolphins at the University of Hawaii under Antinoja's supervision. It was Steve who had called an hour before: "Ron, there's something I want to tell you, but you'd better be sitting down." Sipman then left to "switch phones"; after he failed to call back in 20 minutes, Antinoja raced in his car to the lab.

Although Antinoja, a 28-year-old research assistant, was in charge of their day-to-day care, Kea and Puka were Lou Herman's dolphins; he had been working with them for eight years. By the time Herman, a professor of psychology at the University of Hawaii, learned of their loss, a rescue operation was already underway. Herman and his graduate students first thought that Kea and



PHOTOGRAPHS BY JOHN TITCHEN

Sipman, LeVasseur and attorney Schweigert at exact spot on Yokohama beach where Puka and Kea were released

Puka had been released near Kewalo Basin. But when they were unable to sight any dolphins there, they realized that the two missing cetaceans could be anywhere off the entire island of Oahu. A report of a dolphin playing with swimmers at remote Makua beach, located on the western side of the island some 45 minutes from Honolulu, sent Herman by helicopter to investigate.

It was Kea. There was no mistaking her. Kea and Puka were Atlantic bottlenose dolphins, physically different from their Pacific cousins. In addition, Kea bore scars on her flank from a shark attack predating her capture. Now she displayed other wounds as well. Ugly blistering cuts on her left flank suggested that she had been thrown up against a coral reef, and her eye had been bruised so badly that it was swollen shut. She was swimming close to shore, cavorting with the Memorial Day weekend bathers. There was no sign of Puka.

When Herman called the lab for help in recapturing Kea, somehow his message got garbled. What he said was that he had spotted Kea in the water. What they heard back in Honolulu was that he had secured Kea on the beach. As a result, when Ed Shallenberger, the director of Sea Life Park, arrived at Makua, he was accompanied by several graduate students and a stretcher. What Herman needed was a net.

The rescue team almost caught Kea anyway. The next morning, as hundreds of holiday swimmers watched, they slowly closed in on the animal with a short net, the only one available. Just as they almost had her, a swimmer from the Naval Undersea Center, in water above his head, without face mask or flippers, threw his arms around the 350-pound dolphin and tried to hold her down. With a flap of her powerful flukes, Kea easily slipped out of his grasp and swam away.

She was next sighted at a beach a thousand feet up the coast, where the team again tried to capture her. They laid a net and dragged it in; but just as the opening was about to become too small for her to escape, Kea swam through to freedom. Two other attempts also failed; with the small net, she was uncatchable.

Herman, Shallenberger and the students took turns in the water, trying to calm Kea down. When the sun set and the water turned icy, they hoped to gain the assistance of local residents, but none would enter the water at night. It was shark territory. "One guy started telling me about a big shark that came into that cove every night to feed," Herman recalls. "I said, 'Let's not talk about it.'"

While the rescuers were frightened, Kea was terrified. She would circle the people in the water, brushing against them and returning a few moments later. That night, the rescue group took turns hand-feeding her fish until she stopped eating. By then her eye was completely shut and she was whistling in distress. Sometime in the middle of the night, the whistling stopped. When a boat with a professional net arrived from Honolulu the next morning, it was too late. Kea, like Puka, was gone.

On the Honolulu evening news, Kenny—his dark blond hair swept back, his eyes rimmed with gold glasses—and Steve—bearded, sun-bleached, faded—were instant celebrities. They were animal liberators. While the Herman team continued to search for the missing animals, LeVasseur and Sipman gave interviews.

"We didn't steal them," LeVasseur told newsmen. "We gave them back." Their note that originally alerted the papers was signed "The Undersea Railroad." Sipman complained that the dolphins were not allowed to swim with people and were deprived of their favorite toy, a frisbee. Despite their allegations of "cruel" treatment, the pair emphasized that they were motivated by a "moral and philosophical commitment to the idea that man has no right to cap-

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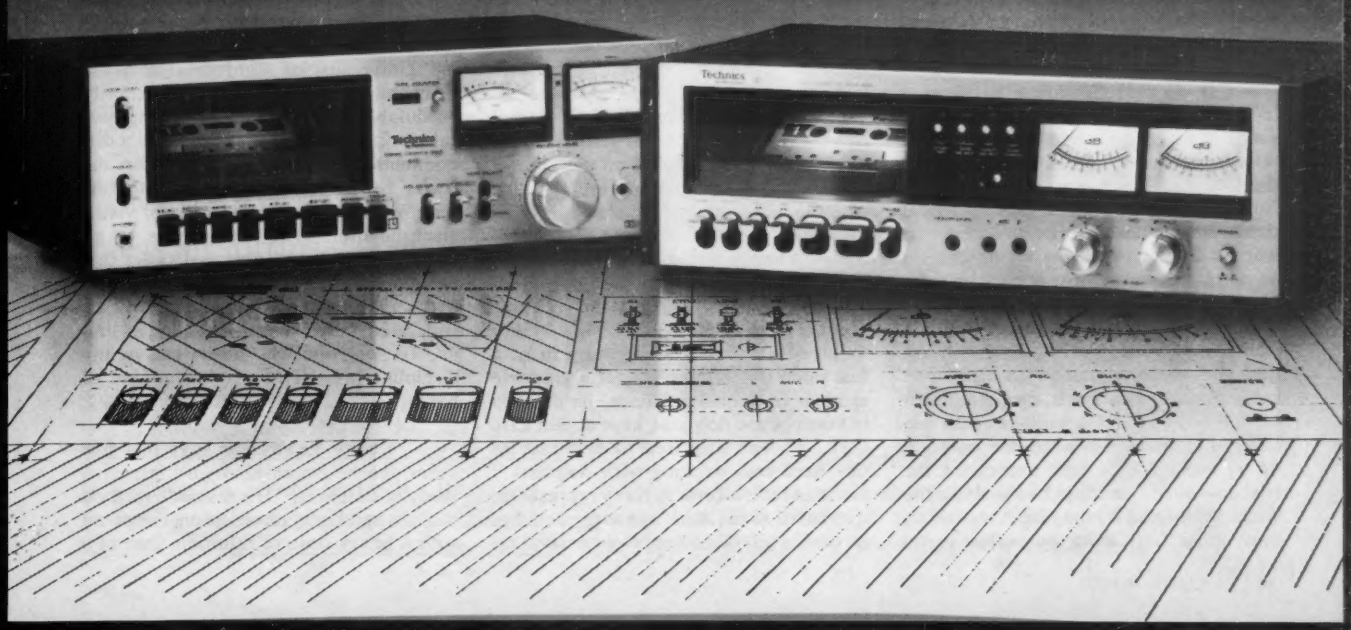

ture, or hold in captivity, intelligent, feeling beings."

When their trial for grand theft begins in November, the question of motivation will be especially important. It is complicated by the fact that only 36 hours before they released the dolphins, LeVasseur and Sipman had been fired by Lou Herman. "Taking the dolphins was an act of retribution," Herman says angrily. "There's lots of garbage being thrown about their motives, which were quite impure. They made it sound as if we were hanging up the dolphins by the tail and whipping them. Quite frankly, I think they're shits. These jerks are not the people to make into mini-heroes riding around on white horses freeing dolphins. That they should be glorified as some sort of spokesmen for animal rights is worse than absurd."

On the Friday before the dolphins were taken, Herman spoke separately to the two young men, who had been tending the dolphins in return for free rooms at the lab; he told them they would have to leave within a month. "It was very apparent they weren't contributing anything to the program," Herman says. "These guys are not kids. Nor are they the great dolphin experts they claim to be. They were tank cleaners. They started out as students, but they were mediocre. We thought at least they could do a good job tank cleaning. They weren't very good at that, either. Several times people suggested I get rid of them. I said, 'What harm can they do?' I kick myself in the ass for not having done it sooner."

Sipman and LeVasseur remember it differently. "He didn't fire us," says LeVasseur. "We were laid off." Adds Sipman: "I was no longer interested in the experiments going on. I was interested in studying cetaceans in the wild. On the basis of what we know about them, on the basis of their intelligence, there's something special about these dolphins that puts them above science." The last word always goes to LeVasseur: "They're aware of their being in captivity."

It is a cause for minor humor that in a case involving hundreds of thousands of dollars, years of research (and, possibly, years of imprisonment), one of the key disputes centered on a frisbee. But to Puka, the frisbee was no trivial thing. It was her favorite toy. She had learned to catch it in her mouth and, in an adroit maneuver, toss it back by spinning it off her beak. She loved carrying it around the tank or having it rubbed against her back. Before a session began, she would relinquish her other toys but jealously guard her frisbee, holding it on the bottom of the tank beneath her belly or grasping it beneath her pectoral fin. It was no easy task extricating the frisbee—once, Antinoja had to drain the entire tank—and by the time it was taken away from her, Puka was often in no mood for her tests. Lou Herman decided that something had to be done.

The solution was to tie the frisbee to a string for easy retrieval. But Puka was obviously unhappy with her newly tethered toy. So sometimes at night, Steve and Kenny would cut the string, liberating the plaything; and when the research team arrived in the morning, they would be faced with the same old chore of fishing out the frisbee. It made Herman furious. Finally, he issued a decree: until Steve and Kenny solved the problem, Puka would have no frisbee at all.

The agonies animals undergo to satisfy ambitious Ph.D. candidates is unconscionable

The frisbee debate became ugly. Neither Steve nor Kenny ever admitted to Herman that they unleashed the toy. But Herman knew. Everybody knew. To Herman, their actions were a contemptible and juvenile sabotage of his important work. "It was very difficult to get LeVasseur to do the procedure as instructed," he recalls. "He would do what he felt like. You can't do research that way. He and Sipman didn't care about inconveniencing the animals. They would start to work at 3 in the morning so they could go surfing. That indicated where their priorities lay."

Herman's priorities were very different from theirs. Lou Herman is a scientist. His work is his life. Like many ambitious Jewish New Yorkers, he attended the City College of New York. He went on to earn a Ph.D. at Pennsylvania State University, where his doctoral dissertation in experimental psychology won first prize for creative talent in a national competition. After working in industry and teaching at Queens College, he arrived at the University of Hawaii 11 years ago as an associate professor of psychology. He became a full professor and settled on the island. His modern house on the top of a winding road looks out on a breathtaking panorama of Diamond Head and the blue Pacific. He is a success.

When he first came to Hawaii, Herman was an experimental psychologist studying human behavior. He was especially interested in people's ability to process information coming in at a fast rate. In 1967, as part of a graduate seminar in animal behavior, he decided to study some dolphins kept at Sea Life Park. "I was surprised to find that no one here was working with dolphins," Herman remembers. A Navy representative heard of his work and suggested that he obtain his own dolphins with naval assistance. Herman found two tanks near the University that had been used for a shark show. He obtained Kea in 1969, Puka in 1972. His research was underway.

Over the past decade, Herman has conducted significant work on the memory, vision, hearing and learning ability of the dolphin. His research requires slow, precise, repetitive routines. The memory experiments are typical. Using underwater speakers that transmit computer-generated tones, Herman would feed the dolphin a sequence of signals. He would then pause, and follow with another sound, called a probe tone. The challenge for the dolphin was to remember if that tone was part of the earlier sequence. As in a television game show, the dolphin triggered a lever to indicate its answer. With such experiments, Herman has shown that dolphins process information in much the same way that humans do.

Kea and Puka loved the experiments. When they got the right answer, they would be rewarded with an approval tone and a fish. Kea especially adored the lessons. After achieving a breakthrough, she would charge about the tank, throwing her fish up in the air and catching it in delight. It was a little like watching a hockey player who has just scored a goal. As soon as she saw the research team approaching, Kea would push her toys to a corner of the tank to expedite their removal. She wanted to start as soon as possible. And when the experiment ended, she would try to hold the underwater speaker in the tank. Although Puka was more interested in toys and less interested in fish than Kea, she too enjoyed the sessions. When the dolphins tired of their work, they would simply swim away, and the day's tasks would be over. Most schoolchildren would be envious.

But to Sipman and LeVasseur, the work seemed tedious and demeaning. "Herman is a terribly precise worker," says Kenneth Norris, a professor at the University of California at Santa Cruz and the recognized world authority on dolphins. "He is doing psychophysical work: how sharp is the dolphin's discrimination of tone, how fast can the clicks be before they merge into one tone, what is the minimal angle of visual discrimination. The animal has to go through a series of repeated tasks that are refined more and more until you reach a threshold. The animal will be frustrated, because you're testing its limits. To someone who doesn't have any discipline himself, it may seem kind of harsh."

Kenny LeVasseur says that five years ago he began his own "intensive study of dolphins." His research method has always been observation tempered with a heavy dose of intuition. Part of a

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large family that includes several top-notch swimmers, himself included, LeVasseur wondered how dolphins can achieve such grace and speed in the water. A year ago he decided he had found the answer. After borrowing over $1,000, he took out a patent on a dolphin suit, which he believes will provide human swimmers with delphinoid speed. "The suit is my big pride and joy," he says. So far only a tail has been constructed, and its one test in the water was a total failure. Still, LeVasseur insists that, while there are a few wrinkles to be ironed out, he is certain that his overall concept is right on the mark.

Unlike LeVasseur, who sounds like a loud approximation of Jack Nicholson at his most strident, Steve Sipman speaks in a laid-back, faded-out Summer of Love voice. "Cetaceans with large brains go back 25 million years," he says. "I don't think man was even a tool user then. I don't think man could even pick his nose. If you look at man, I think our intelligence has kind of led us astray. There has been an overemphasis on intelligence and not enough attention to awareness."

Sipman's interest in dolphins, then, did not grow out of scientific curiosity. He wanted to relate, not to probe. And he disliked what he saw at Lou Herman's laboratory. "Dr. Herman's own experiments prove they are intelligent

In one experiment, rats are forced to choose between electric shock and starvation

creatures," he says in frustration. "He showed us what great animals they are, but he never realized it himself." After he stole the dolphins, he revealed that he used to meditate by Puka's tank, and she told him that she wanted to be released.

Sipman's first encounter with a dolphin occurred in 1969. A native of Los Angeles, he was surfing in Malibu one day, sitting with friends around a fire on the beach, when just offshore he saw a dolphin, swimming back and forth, whistling in distress. When he approached it, he saw that one side of the animal's beak was slightly injured. The dolphin kept pushing against his leg, and when he went ashore, it followed him and beached itself. With two friends he carried it to an estuary and then called Marineland for help. They said there was nothing they could do; if it had come onshore, it was going to die. "We were really frustrated," Sipman recalls. "We sat there splashing water on it, and there was nothing we could do. Eventually, it died. I came back a few days later. People were pushing sticks at its bloated corpse. I thought: wow."

Like at least half the students at the University of Hawaii, Sipman came for the beach, not the library; but in his junior year, as a psychology major, he took an independent study with Lou Herman. Almost immediately, he realized that he had come to the right place. What he disliked about the world—its competitiveness, its aggressiveness, its sweat and blood—were not necessary parts of life. They were aspects of human life. The dolphins and whales indicated an alternative.

"On a whale observation expedition, Steve and I joked that the dolphins were so attuned to their environment that they must be stoned," recalls Paul Forestell, one of Herman's graduate students. "Steve said that they must eat psychedelic seaweed."

"Dolphins can read their environment with their eyes closed," says Sipman with evident awe." My own observation of dolphins in the wild is that they make love and ride the ocean waves. They spend most of their time playing."

It is hippie paradise. The ocean is blue and the sky is clear. The waves are picking up: it will be a perfect day for body surfing. Slowly the dolphins awake from their nighttime lethargy as the water rolls over their sleek gray bodies. They begin to ride the waves. The surf pounds in the distance. The pearl smooth tails of the dolphin school form an intricate pattern of heavenly geometry. One after another they move in perfect harmony with their surroundings, achieving a beauty that humans must sweat and toil to approximate poorly. Their bodies bump together. They make love as they move, gliding effortlessly, together, apart, together. The sun sets. The sun rises. Another day begins.

Ah, what we would give for such spontaneous joy, for beauty not born out of its own despair. To the poet, who must labor hours to create a line that appears effortless, the message is clear: "It's certain there is no fine thing since Adam's fall but needs much laboring." But dolphins—they are not victims of Adam's curse. They are beyond all that. They are beautiful. They are free.

Except Kea and Puka were not free. They were in 50-foot tanks. What they were missing—the glory of untrammeled dolphin life—is debatable. "It's a watery jungle out there," says Lou Herman. "You should have seen the great shark bite scar on Kea's flanks. I've watched dolphins in the wild. I could see the jockeying for position in front of the boat as representing a hierarchical society. Animals have not found paradise any more than man has."

Paradise or not, cetacean life has enticed human observers for millenia. For the last 4,000 years, the dolphin has occupied a central place in human myth-

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ology. Its mystery has been celebrated by the Greeks, the Babylonians, the Hebrews and the Finns. You can see dolphins on the palace walls of Knossos in Crete or at Apollo's temple of Delphi (*delphys* is the Greek word for dolphin, the womb monster that Apollo defeated at Delphi). One myth, sung by Aelian in the second century A.D., tells the story of a dolphin's love for the most beautiful boy of Iassos. The boy would ride on his lover's back, and all the townspeople would watch, for the sight was breathtaking. One day the boy played too hard and threw himself down carelessly on the dolphin's back. Impaled on an upthrust spike, he lay there as his blood ran out. When the dolphin saw the sea turning purple and felt his rider growing heavy, he swam grief-stricken to shore, where he threw himself on the sand and gasped his own last breaths. The townspeople built them both a tomb and erected a stele of a boy riding a dolphin. It became a holy place.

In our time, it is the greatest modern poet, William Butler Yeats, who has comprehended the mythical meaning of the dolphin. In his poem, "News for the Delphic Oracle," he describes the traditional carriage of the dead to the Isle of the Blest on the back of a dolphin. For Yeats, the dolphin represented the link between death as a return to the womb, and the mire and blood of birth and sex. He knew what the Greeks knew: *delphis* is the Greek word for "womb."

The current dolphin mystique owes more to John Lilly than to Yeats or the Greeks. Lilly is a doctor who, by the late 1940s, was deeply involved in medical research on the brain. In the fifties, he began examining dolphins. "John Lilly killed more dolphins than anybody," Lou Herman says contemptuously. That is true. In his early work, Lilly didn't know what dolphins required for survival in captivity. Many died. Others he cut open to dissect their brains.

In the sixties, Lilly released the dolphins he was studying. He now works in Malibu with computer-simulated models. "I've been considering the theoretical issues, but that's dry stuff—no water is involved," he says. "The decision to release the dolphins was my personal decision. I don't try to lay my trip on anybody." In the foreword to a recent collection of his writings, he explains: "I no longer wanted to run a concentration camp for my friends and if they were as I found them to be and, if this was not only my imagination, then there was an ethical problem of maintaining them in a confined state in which they may not survive." He arrived at that decision after tripping on acid with his dolphins in their tank.

What Lilly observed was that dolphins don't appear to behave in the ways we associate with animals. They seemed much closer to people than to laboratory rats. Once, when a dolphin in Lilly's lab hit its head during a changing of tanks, it lost consciousness. Since cetaceans must surface to breathe, the animal started to drown. The other dolphins raised it to the surface until it regained consciousness. (There are at least two verified instances of dolphins carrying drowning humans to safety.)

Margaret Howe, a research associate of Lilly's, lived with a dolphin for two-and-a-half months in a specially constructed environment that consisted of a dry area, a deep water area and a transitional space. She tried to speak to the dolphin in English. (Lilly claims—although few people agree—that he taught a dolphin to mimic English words.) Howe grew to feel that she could learn from the dolphins. They were not possessive of property, and by obvious warnings, they were able to avoid aggression. Discipline was clear and brief. "From what I have observed and felt, I do not feel that a dolphin newspaper, if one could exist, would contain articles on robbery, murder, dishonesty, delinquency, riots," she wrote in her journal in 1965.

Do cockroaches have fewer rights than dolphins?

Lilly himself is considered a lightweight by other scientists who study cetaceans. He committed the unpardonable sin: he let his emotions get the better of him. Even worse, he infected an entire generation with his poison. "You see it in applicants for graduate school," says Santa Cruz' Kenneth Norris. "There's lots of this romantic view of life, all that kind of emotional stuff that happens when people of this cast of mind meet one of these animals. You hear about these peaceful creatures that live in a perfect society, blah, blah, blah, when in fact they can be aggressive as hell in some cases and bite the bejesus out of each other." For Norris, as for Herman, dolphins are creatures to study. "I don't think that they're at all the same kind of critters as humans," Norris says. "The daily life of a porpoise is fairly stereotyped. They go through the same basic patterns again and again."

Among cetacean experts, the division between those whose approach is strictly scientific and those of a more "romantic" bent is a long-standing one; the abduction/liberation of Lou Herman's dolphins has simply brought it out into the open. Not surprisingly, the scientists support Herman almost unanimously. "If the oceanariums and the zoos of the world have the right to keep animals, there's no reason why careful research shouldn't continue," says Ken Norris. "Most of the public out there in Hawaii does not regard those two guys as heroes but as thieves, which I do."

The Hawaiian chapter of the American Cetacean Society published a letter criticizing the dolphins' release and supporting Herman. The letter concluded that the "theft" constituted "a serious blow to the progress being made in scientific research." Since the society does not normally adopt official positions on such controversies, the letter provoked considerable comment.

"If science requires 12 dolphins for a study that aims at the protection of the dolphins of the world, I think the practical view is that the studies should be maintained," says Jim Luckey, who, as a director of the society, helped draft the letter. "The studies at the university, as I understand it, were those kind of studies. I looked at the dolphins' release as a theft."

Luckey is manager of the Lahaina Restoration Foundation. Lahaina, an old port on the western end of Maui, was the whaling capital of the world in the mid-nineteenth century. After greedy slaughter and petroleum-based kerosene removed the supply of and demand for whales, Lahaina entered a century-long decline. Its life was saved by tourism. Today, business is booming in Lahaina, and one reason is the humpback whales, which nourished the town in its infancy and which still gather offshore every winter to raise their calves. A hospital that once tended to injured whalers is being converted to a whale research center. In Whaler's Market Place, you can drink Primo beer at Don Drysdale's Whaler's Pub, and browse for batiks at the Dolphin Gallery or wallets at Dolphin Leather Arts. Every year, tens of thousands of mainlanders visit the big hotels of Lahaina, and return home with Hawaiian Tropic tans and some information about humpback whales.

"There are two kinds of people: those who like to look at whales, see movies and learn more about them; and activists like me, who want to save them," says Rick Gaffney, a 30-year-old marine consultant. Gaffney is the only member of the American Cetacean Society chapter who objected to the society's letter supporting Herman. "There's a difference between those of us in the younger generation with a very strong feeling for these animals, versus those people who find them interesting and make a living from whaling— running scrimshaw shops or catering to the tourist trade," Gaffney says. "They say that taking the dolphins was nothing more than the capture of a train by Moluccan terrorists. And I can see that. But if it had not been for civil disobedience, we might still be killing men and women in Vietnam with weapons that shouldn't be used on people, and blacks might still be

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living in substandard housing and without the vote in the South. I think there are cases of civil disobedience that are necessary to end injustices. This is one of them."

Although Joan MacIntyre, a woman in her forties, is almost Jim Luckey's age, spiritually she is a member of Gaffney's generation. MacIntyre has streaked blond hair and tanned, sunroughened skin. She is bedecked with pendants, rings and bracelets. She has absolutely no sympathy for Herman's work. "I think it's really dumb and impoverished for big-brained scientists to teach dolphins dumb things in English," she says. "You have to learn from them what they want to teach you. I'm not so interested in their big brains, because I'm not so sure that that means anything, as that they are lovely and loving, and that when you're around them, you feel extraordinarily wonderful. I'm interested in what it is that allows them to communicate exhilaration and joy."

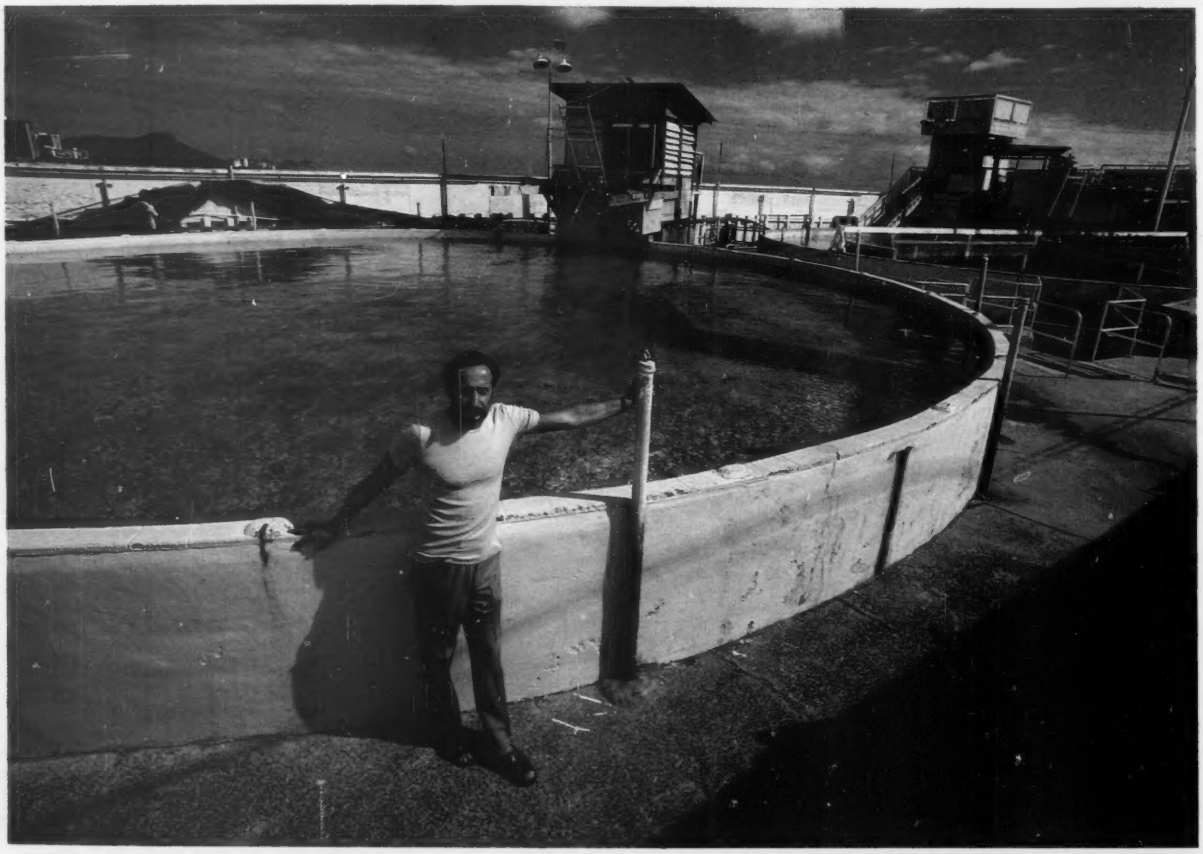
She sounds a bit like an enthusiastic civil rights worker back from the South in the early sixties, full of stories about these wonderful people who are warm, genuine, loving, full of things to teach us. If she sounds that way, it is no accident. Joan MacIntyre is a creature of the Movement. She has fought against the use of pesticides. She has struggled to stop nuclear power plants. Now she is trying to save whales and dolphins from extermination. "For 15 years or so I've been interested in how we as human beings relate to the nonhuman world, and whether we assume we can have mastery of it or whether there are things we can learn from it," she says. "I'm interested in whales and dolphins because I believe they live lives that could become models for the way we live. They seem to have learned how to fit rather than to manipulate the world around them."

"It's a watery jungle out there," says Herman. "Animals have not found paradise any more than man has"

"To browbeat dolphins so they will respond to a few signals—I don't like that game ethically," she continues. "I believe that Lou Herman is just as capable of putting a person in a tank as a dolphin—because his sense of knowledge is so fragmented that it would not be hard for him to justify it. Do you want someone to take pictures of you every time you try to fuck? Do you want somebody to plant an electrode on your back and have you run around and beep at them? I think the release of these dolphins raises a very fundamental question, which is: are dolphins creatures in their own right, or are they property? I think treating dolphins or whales as property is something that needs to be rectified. This action is going to air that issue."

If the defense lawyer is successful, Sipman and LeVasseur's release of Lou Herman's dolphins will precipitate the first U.S. animal liberation case. Herman hopes the judge will not allow the issue of animal freedom to be raised.

"What does freedom mean?" he asks. "What we should talk about is, what can we learn about these animals? What can they do to help our own life? How does their physiology enable them to dive? If man is to make his way about undersea, what can he learn about the dolphin's echo-location system? In vision, myopia in the dolphin can be overcome in very interesting ways. The dolphin's brain is as large as ours and seems very complex. Wouldn't you like to know why? Shall we try to learn from two animals—two dolphins? You see the absurdity of taking all that away from us, and from dolphins. To turn that into an issue of freedom just dilutes and dimi-



Flipped out: Lou Herman beside training tank from which dolphins were taken at Honolulu's Kewalo Basin laboratory

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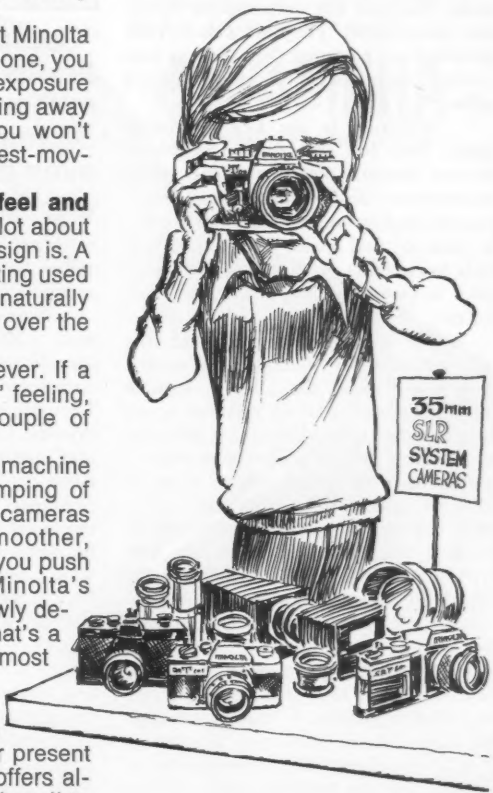

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nishes the truth of what it meant for them to be in that setting, to them and to us. What about freedom for cockroaches? Why do you kill a cockroach? Are their rights less than those of dolphins?"

What about freedom for cockroaches? The question that Herman raises is one that troubles animal liberationists. If you free dolphins, must you open the doors of all laboratories? Must rats, rabbits, beagles and monkeys all go free? If it is cruel to imprison a dolphin, isn't it equally cruel to imprison a rat?

When we see the smiling face of a dolphin, our intuition tells us that we owe more to these creatures than we do to fruit flies. Quickly, we repress that feeling as irrational sentimentality. That may be a mistake; for our intuition probably has a rational basis. When we talk about rights for animals, we do not mean the same thing for different species. Different species have different needs. To keep a colony of ants in a boxed ant hill in an apartment does not seem inhumane. The ants live unhampered by human observation. They are able to realize whatever potential their lives as ants contain. As far as we know, they do not suffer.

Suffering is the key to animal rights. Very few animals are capable of abstract thought, but once you get above invertebrates on the evolutionary chain, you are dealing with animals that are fully able to feel pain. If we say animals have rights, what we mean at minimum is that they have the right not to suffer.

For a white laboratory rat, the right not to suffer should protect against such scientists as the ones at Temple University who starved rats for seven days and then offered them live mice and infant rats. (The scientists found that the starved rats ate infant rats as often as they ate mice.) If animals had rights, such experiments would be outlawed. Reading the scientific literature, one finds few experiments in which the anticipated gain in knowledge is commensurate to the enormous cost in pain. Only the scientist who convinces himself that a rat's cries of anguish mean something different from a baby's can proceed with such cruel regimens. A baby is one analogy that animal liberationists like to use: if you would perform experiments on feeling, helpless animals, then why not on severely retarded infant orphans, who have no parents to mourn them, no potential to develop as thinking beings? If you believe, like the animal liberationists, that the baby should be protected, then why not equal rights for animals?

Equal rights for laboratory rats would probably not win them their freedom. White rats were *bred* for laboratory use. They cannot survive in the wild. Granting them rights would not require releasing them. It would simply protect them against atrocities. Indeed, benign experiments could proceed. And probably—although this is a sticky point—in cases of overriding human need, where no alternative exists and human lives are at stake, painful experiments (as in some cancer research) could continue. However, it is important to remember that most tests—such as the coating of rabbits' eyeballs with new cosmetics—are unnecessary because the product being tested is completely unnecessary. Should rabbits, which lack tear ducts to wash away poisons, be forced to die in agony, so that women can wear mascara?

THE BETTMANN ARCHIVE

"Cetaceans with large brains go back 25 million years," says Sipman. "Man couldn't even pick his nose then"

When you consider higher animals, you are faced with an even more complicated situation. Dolphins and apes seem capable of abstract thoughts. They are aware of the confines of their prisons. Unhindered by man, they would lead lives of hunting, mating, playing. In tanks or cages, they conduct a crippled existence. For some animals—and while the exact boundary is debatable, it must lie somewhere above rats and somewhere below dolphins—the loss of freedom is perceived as suffering. If these animals have rights, they must be released.

We think that cetaceans (dolphins and whales) are capable of abstract thought partly because of psychological experiments like Lou Herman's. Other scientists have discovered that cetaceans have larger brains than humans (although when brain size is related to body mass, man ranks first, dolphins a close second). Because the dolphin developed in the water and man evolved on land, it is virtually impossible to compare the two minds. "You know how hard it is to test the IQ of a black ghetto kid who grew up in the South," says Ed Shallenberger, director of Sea Life Park and Hawaii's leading cetacean expert. "How can you test an animal that lives without hands in the ocean?"

Testing the intelligence of apes is a little easier. At Stanford University, Penny Patterson has conducted pioneer research in primate communication. Working with "Koko," an ape she obtained on loan from the San Francisco Zoo, she has been able to teach a variant of deaf-mute sign language to a gorilla. Koko now can form syntactically correct and completely comprehensible sentences in "conversation" with Patterson. However, Patterson, for one, does not distinguish between intelligent and nonintelligent animals when considering animal rights. "Just the fact that language can be taught shows people that they should rethink the rights of animals," she says.

"Really the question is, what should man's relation to animals be," says Henry Mark Holzer, professor at Brooklyn Law School and attorney for the Society for Animal Rights. "We have to treat it in principle: how does man treat animals? And that goes for cobras and steers, earthworms and dolphins." Holzer has followed the Hawaii dolphins case in New York newspapers. "I'm not happy," he says. "It's not the appropriate context in which to raise these issues. They are issues of the most profound importance, but it's a sloppy context. The defense view seems to be that intelligent animals have a right not to be mistreated. Apart from the definitional problem, I'd like to know why—and why it wouldn't apply to nonintelligent animals too."

The case that Holzer brought to the Supreme Court involved "nonintelligent" animals: cattle. He had already been sensitized to animal rights by ads about the clubbing of baby seals when he heard of a peculiar exemption to the Federal Humane Slaughter Act of 1957. The law required that animals be rendered insensible before being hoisted on a conveyor belt and slaughtered. But Section 6 of the law opened an enormous loophole: if the last animal on the line was to die by the Jewish ritual throat cut—meaning that it must be conscious when slain—then all other animals on the line were exempted from the provisions of the law. The rationale was that the mechanics of the slaughterhouse required that all cows on a given line be treated identically. "I said that's unconstitutional as hell," Holzer recalls. "It was putting the power of the state on the side of religion."

Holzer filed suit against the Department of Agriculture to declare Section 6 an unconstitutional violation of the law separating church and state. "I was the plaintiff," he recalls. "I started the case, and then the house fell in. I was accused of being an anti-Semite. The other side even filed a photocopy in the original Gothic German typeface of Hitler's Nuremburg laws outlawing ritual slaughter. Yet Talmudic law says that animals

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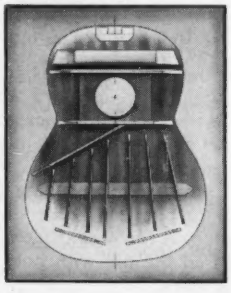

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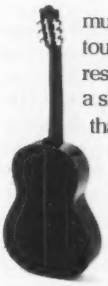

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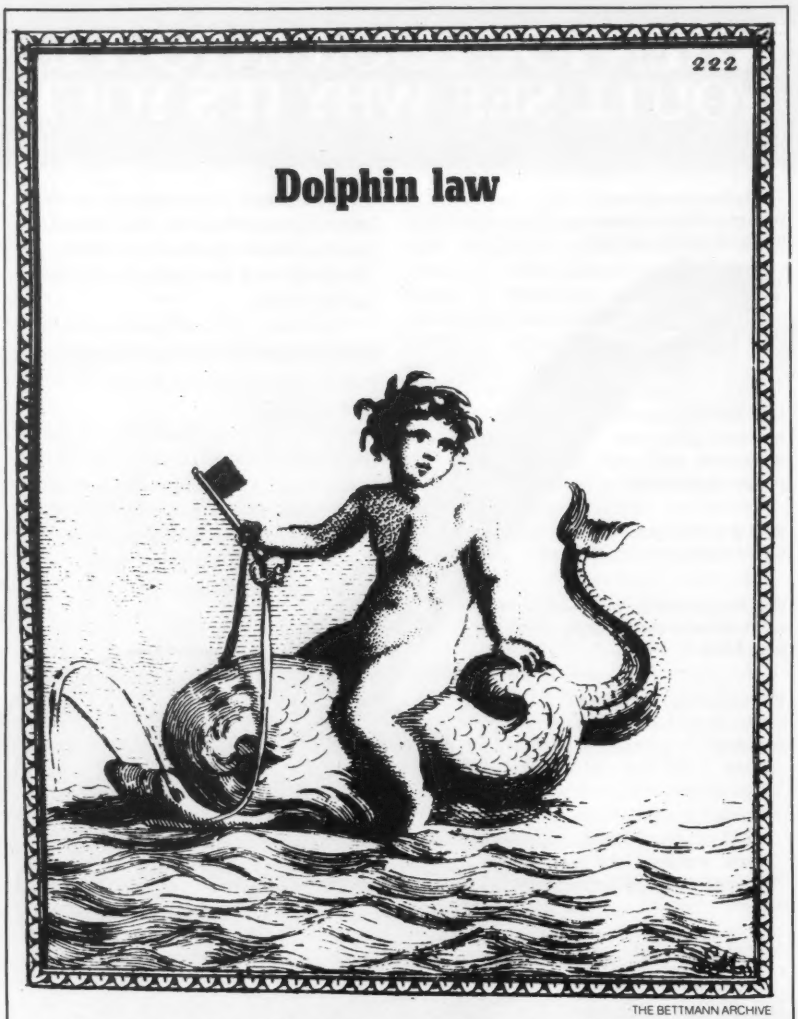
cannot be injured before slaughter—that if the animal is injured, it cannot be used for meat. You tell me: when they shackle and hoist and run down a conveyor belt a 2,000-pound steer and let it hang for 20 minutes—you tell me if the animal is injured. What would happen if you were shackled and hoisted? Wouldn't cartilage be torn and muscles ripped? So the great irony is that all of the meat that is being sold as kosher is actually traife [unkosher], because the animals are all injured."

The Supreme Court ruled against Holzer in 1974. As a result of that initial experience, Holzer became the attorney for the Society of Animal Rights in other, similar cases. "We have to do something when we are confronted with such horrendous situations," he says. "But these issues will not be decided in courtrooms. Nothing important or lasting is going to happen until people think about animal rights differently. The rights of animals will be decided in classrooms and libraries and conferences."

Holzer is a newcomer in the field compared to the founder and president of the Society for Animal Rights, Helen Jones. Back in 1953, Jones left a New York public relations job to work for the American Humane Association. "They're like a trade association," she recalls. "They kept telling me to stop worrying about laboratory animals and slaughterhouses." So after a year she left and, with two other people, founded the Humane Society of the United States. The Society's first major achievement was the passage of the Humane Slaughter Act of 1957. But when the Humane Society "for political reasons" supported the kosher meat exemption to the Act, Jones (who long since had stopped eating meat after a visit to a New York slaughterhouse) decided to form a still more militant organization, the National Catholic Society for Animal Welfare. Eventually, because the Catholic Church disliked the borrowing of its name—and because Catholic theologians such as St. Thomas Aquinas and Descartes take a most reactionary position on animal rights—Jones, a lapsed Catholic, changed the name again in 1972, this time to the Society for Animal Rights. "We worked a long time on the name, and we decided that welfare and protection were just outmoded," she says. "The real issue was rights: that any living being that was sentient had rights."

"The animal rights movement is still small," Jones explains. "It started in 1973 with Peter Singer's book, *Animal Liberation*, and it continues to come largely from the academic world, especially philosophy departments." In *Animal Liberation*, philosophy professor Singer described how factory-farmed chickens are de-beaked and crowded into tiny wire cages. He detailed psy-



THE BETTMANN ARCHIVE

Dolphin law

The Marine Mammal Protection Act was passed in 1972. "The legislation made it clear that marine mammals are special," says Robert Eisenbud, counsel to the U.S. Marine Mammal Commission. "They are very intelligent creatures." To imprison cetaceans for public entertainment or scientific study, one must file lengthy applications. Other sections of the law protect whales and dolphins in the wild from human harassment.

Still, as researcher John Lilly regretfully points out, "Under the law, cetaceans are still regarded as property to be used for human purposes." Eisenbud concurs. "There is a lot in the law that, although not saying that animals have rights, gives advocates of animal rights a lot to work with," he says. "But if there comes a point when people claim rights for these animals, that will have to be recognized in new legislation."

Many people who worked for the Act, such as Milton Kaufmann of the lobbying group Monitor, Inc., are unsympathetic to entertainment displays of dolphins. Kaufmann favors wildlife movies. "Seeing an animal in lifetime confinement behind bars in no way gives the viewer a proper feeling for the animal or proper respect for the animal," he says. "And scientific permits should be issued primarily to develop knowledge which will be of benefit to the species."

A liberated dolphin assisted in the lobbying effort for the Marine Mammal Protection Act. Dolly Phinn, a dolphin with offbase privileges, went AWOL when the Navy moved its Florida training facility and changed her routine. She swam up the Florida canals and eventually adopted a family, visiting every day, playing with the children.

During the 1972 Democratic Convention, she was enlisted to swim up to Miami's oceanfront Fontainebleu Hotel with a scroll in her mouth. In four feet of water she was met by a sea lion named Solly. Solly carried the scroll, which contained the proposed Act, to the publicity seekers waiting on the beach. A few weeks later, the Senate passed the bill with only two dissenting votes.

chology experiments in which rats are forced to choose between electric shock and starvation. He looked closely at Harlow's famous experiments with surrogate mothers for monkeys, isolated at birth, and described the "monster" mothers: artificial monkeys that would, for example, "rock so violently that the baby's head and teeth would rattle." (Harlow found that no matter how horrible the "mother," the baby would cling to it, and concluded that the only recourse of an injured child is to cling to its mother.)

Singer argued that defenders of psychology experiments run into an insurmountable dilemma: either animals don't suffer in the same way as humans—in which case, why bother to see how rats act when starving or how monkeys respond to "monster" mothers—or they *do* perceive anguish much like humans—in which case, the monstrous suffering they undergo to satisfy obtuse researchers and ambitious Ph.D candidates is unconscionable.

Helen Jones has been thinking about such issues for more than two decades, and, sitting in her Clarks Summit, Pennsylvania home, she has ready answers for every question. "If an insect gets into the house, I lift it up on a paper and take it outside," she says. "But I believe in killing in self-defense. If a gnat gets me in the ear and is going into my eye, I'll whack it. I got one yesterday." She rubs her ear and giggles.

Jones has gone far beyond the Humane Slaughter Act. "The regulationists work for humane slaughter and removing the evils of factory farming," she says. "Who needs them? They deplore the killing of dolphins while they have a mouth full of tuna fish. We're *abolitionists*."

Jones applauds the action of the dolphin liberators. "I have the greatest respect for the men who released them," she says. "I think it's beautiful." Although the dolphins were not abused physically, she notes, "They're involuntary subjects, and I think it's wrong—I think it's demeaning." She believes that the animal rights movement is growing, especially among younger people. "I think it has to do with antiwar, women's rights, civil rights—that there's suddenly an awareness of rights," she says. "The animals have waited a long time." She is now busy distributing facts to the public. "That's what William Lloyd Garrison was doing," she says. "He couldn't get anything done in Congress. So he just wrote and wrote and wrote, and got out the facts."

The history of liberation struggles is a story of the progressive broadening of the field of concern: rights were granted first to property holders, then to all white men, then to all men, and then to women. It seems only logical that animals be next.

One researcher released his dolphins after tripping on acid with them

Famed abolitionist William Lloyd Garrison certainly understood this progression. "As our subject is *universal* emancipation . . . we shall go for the rights of woman to their utmost extent," he wrote in 1837. A fiery radical, Garrison spoke in astonishingly modern terms for the liberation of all beings. In 1830, he eloquently denounced "the awful guilt of debasing the physical, and defiling the moral workmanship of the great God." Knowing what we do today, he would surely be an animal liberationist.

The parallels between the anti-slavery movement of the 1830s and today's animal liberation movement are striking. "The animal rights issue is at the same place now as the slavery issue was 50 years before Abolition," says Henry Holzer. Surface analogies between the subjection of slaves and of animals, such as the branding of cattle as

Yummy: Dolphin feeding Ed Shallenberger

property, are immediately obvious. And when Lou Herman defends keeping dolphins in captivity, he refers to his concern for their well-being, the benefits to more highly developed humans from this work, the dolphins' evident contentment with their captive state, the burden of a painful history, and the ultimate importance of his research to human civilization. All of those arguments have been used before. By slaveholders.

Herman does not buy the parallel. "Human slavery had economic motivations," he says. "People were put into forced servitude to make you rich while you lived fat and happy. These animals were not being brought in as servants. They didn't economically advance me. They were given the best food. We respected their rights. They were happy here—I could not imagine them more happy. We made every effort to develop their full potential, intellectually and psychologically. I honestly believe that what we're doing here is one of the most helpful things that can happen for whales and dolphins. It will contribute to efforts to protect and preserve them. It's out there in the ocean that everything bad is happening—that porpoises are being killed by tuna fishermen.

"It's important also to distinguish between those who promote the death of the animals and those who study their life. Would you end cancer studies on laboratory rats? Unless you want to deprive all humans of their chances of avoiding this horror, you had better allow some experimentation with animals. Man's right to know: isn't that an ethical issue? If you give up the right to know, you're back to the dark ages of mysticism, religion and dogma. In all human history, I know of no era I'd less like to live in than the Dark Ages, when the mind of man was imprisoned."

Herman's is the voice of intelligence and civilization. Yet listening to him, you hear echoes of the old rationalizations. It must have been similar talking to Thomas Jefferson or John Calhoun, both men of enormous learning and perspicacity, both fully capable of rationalizing human slavery: Yes, there are awful crimes committed at other plantations, but here the well-being of the slaves is always the paramount concern—and really, with these lovable but simple-minded creatures, what is the alternative to slavery? And what about the glories of Southern civilization? Where would we be without someone to pick the cotton? Who would have the time to write poetry or practice politics? The burden of Southern history is onerous, but it is something we must bear—as cheerfully as we can.

("It is morally impossible, I am convinced, for a slaveholder to reason correctly on the subject of slavery," wrote William Lloyd Garrison in 1830. "His mind is warped by a thousand prejudices, and a thick cloud rests upon his mental vision. . . . Dextrously relinquishing the authority of an oppressor, he assumes the amiableness of a philanthropist! 'The poor creatures are penniless—benighted—without a home! Freedom would be a curse, rather than a blessing to them—they are happy now—why should I throw them upon an unpitying world?' . . . Does not every tyrant make the welfare of his subject a plea for his conduct?")

Garrison is a favorite of animal abolitionists who would raise animals to the legal status of humans by emphasizing their capacity for suffering. There is another approach to animal rights: lowering humans to the animal level. In his massive *Sociobiology*, Edward O. Wilson attempts to develop a theory that covers human as well as all animal behavior. In his final chapter, he relates the nest building of weaver birds and the waggle dance of honeybees to such intricate human creations as a Bach cantata.

Elsewhere Wilson tries to dismiss seemingly "intelligent" cetacean behavior as typical mammal activity. In his furthest stretch, he suggests that the haunting song of the humpback whale is simply an elaborate way of meeting "the challenge of communication in a featureless space."

A spine-shivering series of tones that range over octaves beyond human ken, the song of the Maui humpback whale lasts 20 minutes. Every whale sings exactly the same song, note for note. Such songs have been recorded and released as an album, *Deep Voices*. If the whales have a sophisticated culture, if they relate a sort of oral history in song, we would be as deaf to its meaning as we would to the civilization of some extraterrestrial beings. Are there Bachs with blowholes out there in the open sea? Probably not. But when we are considering beings that Lou Herman himself has shown capable of language—how can we be sure?

If we cannnot be sure, can we continue to keep intelligent animals in prison? Like the slavery analogies, references to prison crop up among animal libbers with the persistence of weeds. No one really knows if Kea, Puka and their peers regard their tanks and cages as penitentiaries. But if they do, their condition is doubly cruel, for they have committed no crimes to repent.

In *The Dragons of Eden*, Carl Sagan describes a visit he paid to a large primate research laboratory, accompanied by its director: "As we approached the nearest cage, its two inmates bared their teeth and with great accuracy let fly great sweeping arcs of spittle, fairly drenching the lightweight suit of the facility's director. They then uttered a staccato of short shrieks, which echoed down the corridor to be repeated and amplified by other caged chimps, who had certainly not seen us, until the corridor fairly shook with the screeching and banging and rattling of bars. . . . I was powerfully reminded of those American motion pictures of the 1930s and '40s, set in some vast and dehumanized state or federal penitentiary, in which the prisoners banged their eating utensils against the bars at the appearance of the tyrannical warden. These chimps are healthy and well-fed. If they are 'only' animals, if they are beasts which abstract not, then my comparison is a piece of sentimental foolishness. But chimpanzees *can* abstract. Like other mammals, they are capable of strong emotions. They have certainly committed no crimes. I do not claim to have the answer, but I think it is certainly worthwhile to raise the question: Why, exactly, all over the civilized world, in virtually every major city, are apes in prison?"

The question of whether Lou Herman's dolphins survived the release from their own particular prison will never be definitively answered. Herman is sure they are dead. "Home is the place that all the comforts are," he says. "To take an animal and toss it into strange waters, ask it to socialize with animals, hunt when it had been fed, ward off predators, etc., is the cruelest experiment anyone could have done. These animals aren't ocean-conditioned. How could these animals survive out there? I had been with Kea for eight years. When I saw her thrashing about in the water at Makua—to see her alone in such shape and so frightened in these waters where these guys had dumped her. . . ." His eyes fill with tears. He can't go on.

There are verified instances of dolphins carrying drowning humans to safety

Kenneth Norris, who should know as well as anyone, agrees that the dolphins are probably dead. "Our studies of wild porpoise schools show that the school itself is the animal's major protection against sharks," he says. "And it takes two-and-a-half to three weeks for a new animal to be integrated into a school. Those were Atlantic animals, and the Atlantic bottlenose porpoise is quite different from the Pacific one. I think the chances that they've survived are slim. We have swum trained dolphins out to sea. A single animal in the ocean is terrified, unless it is constantly assuaged by people. I've watched their teeth chatter, and the whites of their eyes show. I've seen them bolt in terror and try to return to their cages."

Sipman and LeVasseur, however, say they are confident that the animals survived. Their evidence is not very scientific. "Do you forget how to walk once you've learned to walk?" LeVasseur asks. "Do you forget how to use a fork? These were eight-foot dolphins. Sharks don't mess with big dolphins." A little more convincingly, Sipman points out that the scientific community has a vested interest in believing that the dolphins died. "If somebody makes money off dolphins in captivity, they're not going to support us from any angle," he says. "Because it threatens what they're doing."

To the true animal liberationist, the question of Kea's and Puka's survival, important as it is to those who knew them, is ultimately irrelevant. "The overall assumption is that if they're dead, that's bad," says Rick Gaffney. "But the animals were incarcerated. They would probably enjoy three weeks of freedom—even if they eventually died."

As additional facts emerge at their trial, it may become clearer whether Sipman or LeVasseur are modern-day John Browns or simply over aged romantic adolescents. Their trial—for grand theft—is scheduled to begin in Honolulu on November 28. They face up to five years in prison.

Their environmentalist lawyer, Jack Schweigert, repeatedly has fought against highways and development in Hawaii. "I look on myself as a legislator," he says. "Anything that's political in Hawaii I take on. This case represents the next game of the next century. We've always considered people to be the number-one honchos, because of our brain and our intelligence. But if the dolphins are smarter than we are, we might have to reevaluate our position. We just happen to have hands. Because dolphins have no hands and always smile, people think they're happy in Sea Life Park."

As Henry Holzer has pointed out, Schweigert's clients are hardly the ideal subjects for a test case on the rights of animals. Their motives are suspect. Their action was not well planned. For a lawyer, if not for the dolphins, it would have been better had they filed for a guardianship for Kea and Puka and brought a suit against Lou Herman as "enslaver." Almost surely, they would have lost, for even the relatively enlightened Marine Mammal Protection Act of 1972 (see box) regards cetaceans as property. But the case would have been cleaner. Major constitutional issues are usually resolved by civil, not criminal, cases.

The concept of guardianship for nonhuman wards was developed by Christopher Stone, professor of law at the University of Southern California, in his landmark book, *Should Trees Have Standing?* "There have been more cases brought using my theories on behalf of deserts or forests than on behalf of animals, partly because humane laws cover animals," Stone says. "But this is a very good case. It's got a lot of appeal, because of the potential rationality of dolphins. Yet even if dolphins are not enslaveable, there still is a question of whether these two people can take the law in their hands."

Had Sipman and LeVasseur established a guardianship, as Stone

wishes they had, Kea and Puka would still be in their tanks today. The Dickensian case might have outlasted the dolphins. Sipman and LeVasseur say they have no regrets. "I have vowed to fight human egotism toward animals," LeVasseur says. "Call me a kook, but I don't think humans have the right to exploit intelligent animals."

LeVasseur says he looked up and down the coast for a proper release point for a year before taking action. On the night of May 28, he, Sipman, and presumably unknown accomplices, carried Kea and Puka on a stretcher out of the lab and into a van. Covering the animals with wet sheets, they drove to Yokohama beach, near the spot where the dolphins later were sighted.

"You should have seen Puka when we put her in the water," LeVasseur later told Mike Yunker, a former research assistant in Herman's lab. "She just took off—free at last. It was all worth it to see Pooks take off in the water." Kea, they admitted, lagged behind near shore, whistling; but she too eventually swam away. "You know, you may go to jail for this," Yunker told them. "We know, man," Sipman replied. "We thought about that before we did it, and we decided it would be worth it if the dolphins were set free."

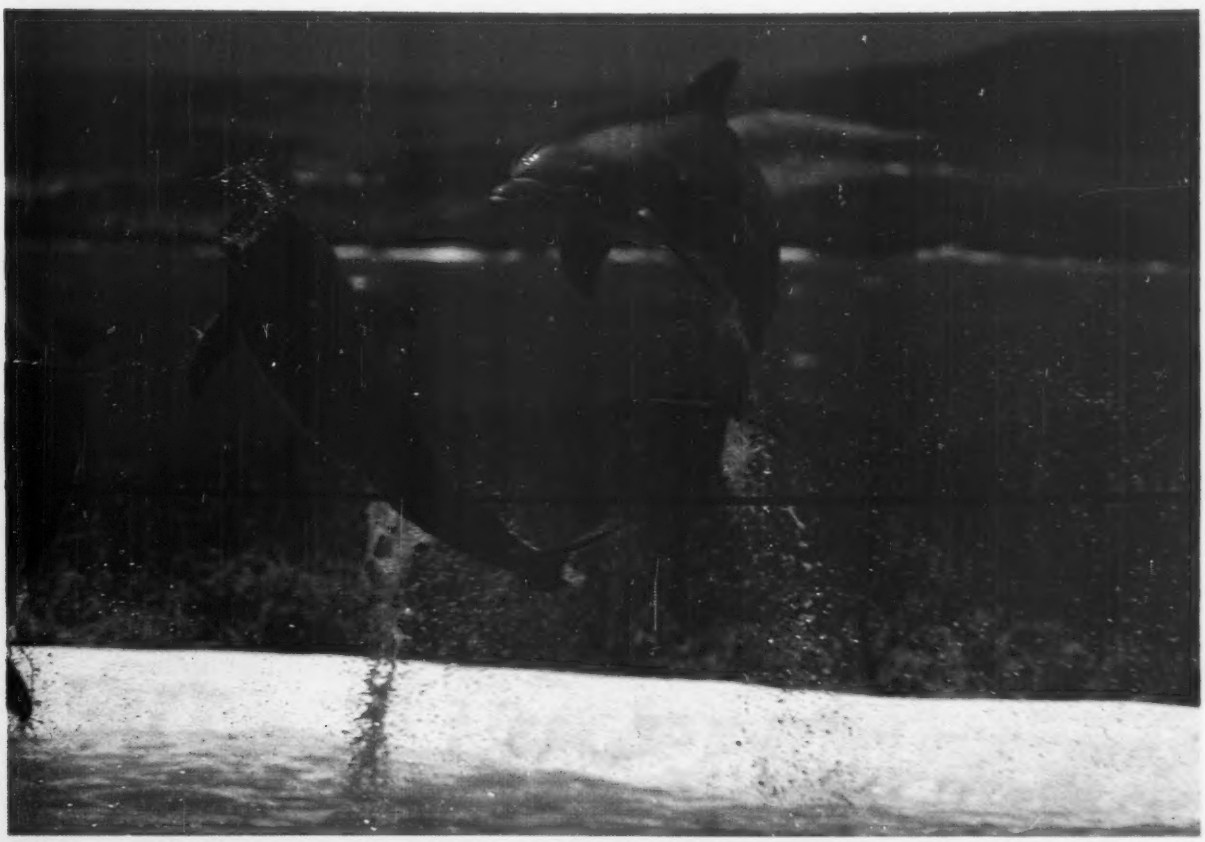
Ric O'Feldman, however, is much less certain than Sipman and LeVasseur about how to deal with captive cetaceans. O'Feldman is the *Flipper* trainer who in 1970 broke into a Bimini laboratory to free a starving dolphin. "Those very few dolphins in captivity, including the five we had on *Flipper*, turned on millions of people who otherwise would never have related to them," he told a reporter for *New Age*. "On one hand, Flipper turned out to be a great tool for saving the whale. . . . On the other, Flipper *was* a captive dolphin. So the whole area has to be explored; it's not all black and white."

Those who bemoan cats eating birds usually eat chickens

Perhaps not. But while LeVasseur's and Sipman's particular action may be debatable, the spirit behind it was moral and correct. "Surely one day," wrote Peter Singer, "our children's children, reading about what was done in laboratories in the twentieth century, will feel the same sense of horror and incredulity at what otherwise civilized people can do that we now feel when we read about the atrocities of the Roman gladiatorial arenas or the eighteenth century slave trade."

Probably you will be lucky enough never to see the chambers of horrors that too often pass for scientific laboratories. Instead, some free Sunday, go watch the gray-faced minstrel shows that entertain us in coastal cities across the country. If you visit Honolulu, for instance, drive half an hour to Sea Life Park, and make up your own mind.

"Here are Mikeo and Kalao to wish you all a great big aloha," gushes a Polynesian-clad announcer into a mike, as two dolphins jump on cue out of the water. In a small boat stand a Hawaiian girl and a dog. Both their necks are laced with leis. The dolphins circle the boat, flapping their flukes in time to the *Hawaii Five-O* theme song. The girl puts leis on the dolphins' necks, and they bob about in a delphinoid approximation of the hula. One dolphin glides upright on its tail across the water. Another does a double-flip in the air. Just behind the performers lie the wide Pacific and the thousands of free dolphins that live there. As the show ends and the audience applauds, the dolphins swim on their backs, flapping their fins in someone's notion of cetacean appreciation. The show ends. The crowd disperses. The dolphins are returned to their tanks. In two hours, another show begins.●



Smarter than the average bear: For the past 4,000 years, dolphins have occupied a central place in human mythology

Dodgers
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OUTSTANDING BALONEY

Tom Lasorda, Dodgers manager and master of ceremonies, is a completely happy man

by Eric Lax

"What's the guy's name again? . . .Chuck?" Tom Lasorda is talking to two Los Angeles sportswriters who have put him up to phoning a night rewrite man at their paper whom he has never met, to ask for a score he already knows.

"Hey, Chuck," he booms into the receiver. "This is Tommy Lasorda. How did the Cincinnati game come out? They lost? Yeah? Hey, Chuck, how come you never come down and see me, huh? Listen, I want you to come to a game and say hello. I mean that. Thanks, Chuck. Hey, wait, Chuck. Let me ask you one question: Did Walter Alston ever call you up?" He pauses for a couple of seconds while he and the writers laugh. Then he marvels, "How the hell can I be so happy? We just lost."

Oscar Wilde wrote, "In this world there are only two tragedies. One is not getting what one wants, and the other is getting it." Oscar Wilde didn't know Tom Lasorda. Tom Lasorda wanted for more than 11 years to manage the Los Angeles Dodgers, and last September he got what he wanted. Tom Lasorda is a completely happy man. He is also a combination of Billy Sunday, "Yellow Kid" Weil and Norman Vincent Peale—an evangelist and con man who believes in the power of positive thinking, a master of hyperbole who says, "When I'm cut I bleed Dodger blue," and who prays to the Big Dodger in the Sky. He even has a tombstone ready. It is engraved with a heart (dripping a drop of Dodger blue blood, of course) and the inscription DODGER STADIUM WAS HIS ADDRESS AND EVERY BALL PARK HIS HOME. When Dodger owner Walter O'Malley gave him the stone in 1971 as a surprise, Lasorda surprised O'Malley by telling him he was so grateful that he wanted to work for the Dodgers even after he was dead and gone. All O'Malley had to do, Lasorda told him, was put a Dodger schedule on it every year. "That way, when people come to the cemetery to see their loved ones, they can say, 'Let's go over to Tommy Lasorda's grave and find out if the Dodgers are in town tonight.'"

All this would be so much hucksterism from the P.T. Barnum of baseball, as his All-Star first baseman Steve Garvey calls him, if it weren't for one thing: it works. Tom Lasorda is a winning manager. No team of his has finished lower than third. He won pennants in all three years (1966–68) he managed in the rookie Pioneer League, and in two of the four (1969–72) he managed in Triple-A—his 1970 Spokane team won by 26 games and he was Minor League Manager of the Year—and the Dodgers ran away with this season's National League Western Division title, leaving world champion Cincinnati eating the same dust the Dodgers ate the last two years, when they finished 20 and 10 games behind the Reds.

Lasorda inherited his job from Walter "the Quiet Man" Alston, a sure bet for the Hall of Fame, who managed the team for 23 years on 23 one-year contracts (Lasorda's is one-year, too, but for about half of the $105,000 Alston was making at the end) and led them to seven pennants and four world championships. In many respects the team Alston managed his last few years was produced by Lasorda; the starting infield and four pitchers plus two catchers and assorted other players came from Lasorda's work on the farm (57 of his players have gone to the major leagues; 18 were on the Dodger roster in spring training).

Lasorda had an advantage none of the other of this year's six new National League managers had, in fact one that no other major league manager has. He and his players know each other well and they are accustomed to Lasorda's constant combination of pep talks, back pats, cuss-outs, and instructional stories. A favorite is the one about the dog who fouled the carpet, had his nose rubbed in it by his owner, and was thrown out the window for 30 straight days; on the 31st the dog rubbed his own nose in it and jumped out the window. "See, with proper training the dog learned what it was supposed to do," Lasorda deadpans.

While Lasorda's stories may be very old saws indeed, none of his players seems to mind the repetition. They just start laughing when he begins to tell a story for the umpteenth time, and Lasorda explains it all by telling yet another old one, this time about the new guard at an insane asylum: "He was being shown around by the sergeant and all the inmates were in their cells and everything was quiet. Then one of the inmates hollered 'Two!' and they all began to laugh. And another hollered 'Twenty-two!' and they roared. And another hollered 'Forty-four!' and they screamed. And the guard asked, 'What the hell are they doing?' The sergeant said, 'They're telling dirty jokes. These people have been in here so long and told these stories so often that they've numerized them.' An

PHOTOGRAPHS BY BRIAN WOLFF

Sermon in Cement: Lasorda assumes the uncharacteristic role of audience in a locker-room revival meeting

hour later the sergeant has gone to get a cup of coffee and the guard is there and everything is quiet so he says, 'What the hell—I might as well shake things up and tell a joke.' So he hollers 'Two!' Nothing. 'Twenty-two!' Nobody smiles. 'Forty-four!' Nobody even laughs. He can't figure this out. When the sergant comes back, the guard says, what the hell's going on here? I hollered the same number they did and nobody laughed.' The sergeant looked at him and said, 'That just goes to show you, fella. Some guys can tell a joke and others can't.'"

Lasorda's players are even accustomed to his using less than the truth if he wants someone to do something that will benefit the team. He convinced an outfielder to become a catcher, for instance, by naming three famous catchers and saying that not only had they started as outfielders, they were in the Hall of Fame as well. In fact, none of them had been outfielders and one wasn't even in the Hall of Fame. But as Lasorda said to his general manager when he pointed it out, "You know that, and I know that, but Joe Ferguson doesn't know that."

"Tommy combines natural showmanship with sincerity," Garvey says. "For all the con that he uses to motivate players, it's in the best interest of everybody. He eventually makes everybody feel better for having him around. No matter what he does, you have to laugh."

Among the things he does is a dog and pony act with his players in which he will say to a group of them, "Tell me something." Whereupon professional athletes making $100,000 and $200,000 a year will fall to their knees, raise their arms in the air, and proclaim, "I love the Dodgers!"

"And the Dodgers love you," a satisfied Lasorda will say.

Lasorda's showmanship has had him out promoting the Dodger organization and whatever team he was with at every opportunity he has had since he started managing in 1966.

"If there are two guys in a rest room taking a leak, Tom will talk to them," Lasorda's friend Elton Schiller of the San Diego Padres says. "He'll go anywhere to speak providing there's a free lunch, whether it's 10 a.m. or 10 p.m. He'll even do it without the lunch. And he won't give up on players he believes in. Some managers will tell a player something three times, and if he doesn't follow the advice, the hell with him. Tommy will do it 500 times if he feels the player has the talent. He will make that ballplayer miserable to get his message across, even make him cry. But then he will put his arm around him like a father."

There are a huge number of players who began their careers with Lasorda and talk about him like a father. Bobby Valentine, now with the New York Mets, is one of them. Lasorda used to take him out every afternoon and pitch to him for an hour or two or more, and in a year Valentine went from hitting .220 to winning the Pacific Coast League batting title. Lasorda would get Bill Russell, the Dodger shortstop, out of bed in the morning to pitch to him, and he threw hundreds of hours of curve balls to Tom Paciorek, now with the Atlanta Braves.

"He'd start off being a combination of encouraging and challenging," Paciorek says. "Then when I'd start hitting them he'd say something like, 'God and St. Peter are the only other two people who can hit that pitch.' Then when I did even better he'd say, 'You're so lucky today that when we finish you ought to go out looking for wallets.'"

Lasorda's story is also one of loyalty rewarded. Although he had several other managerial offers in the past few years, he had been Alston's heir apparent since 1970 and he spent the last four

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seasons as the Dodger third base coach, patiently waiting but hoping year after year that the next might be the one when the job came open. As his wife Jo says, "If it wasn't the Dodgers, it wasn't what Tom wanted, and he wouldn't be happy. It's hard enough living with a *happy* ballplayer, so we stuck it out."

In many ways the Dodgers stuck it out with Lasorda, too. Dodger vice-president Al Campanis, who says "Tommy is like a younger brother to me," also says that "loyalty is a two-way street," that the Dodgers kept the same faith with Tom that he kept with them. While Lasorda has spent 27 years with the organization as a player, scout, rookie developer, coach and manager, they have been pretty tempestuous years. Lasorda was a left-handed pitcher with a great right hook. He had a major league curve ball, but a fastball that *should* have been as quick as his temper. He won a record 125 games in nine years for Triple-A Montreal between 1949 and 1960, but was winless in a couple of stays with Brooklyn and Kansas City. As a minor league player Lasorda varied between such extremes as starting a 45-minute brawl in one game and striking out 25 batters in another. As a minor league manager he kicked holes in lockers, tossed food, and

"If there are two guys in a rest room taking a leak," a baseball friend says, "Tom will talk to them. He'll go anywhere to speak providing there's a free lunch"

was thrown out of countless games, including the first five he managed, and a Caribbean umpire once pulled a loaded gun on him for being so abusive. (But he was thrown out of only one game this year, and then on a technicality.) His antics were not lost on the Dodger brass, who don't deny that they sometimes called him to task for his behavior. It is said that Lasorda wept (quite possibly real) tears of remorse.

The executives may have gotten mad at him; however, it was another thing to stay mad. There was, for instance, the time Lasorda went with Campanis to Japan for a baseball clinic. When they were through, Campanis told Lasorda to take the long way home and stop off in Italy. But a month went by, then six weeks, then seven, before Lasorda returned. Campanis "wanted to choke him." Lasorda's response was to start asking after Campanis' son and wife, and before long he had Campanis laughing. He is, in the words of a half dozen people, "a hard man to deny."

Lasorda's gift is that one way or another he can get his players to believe as much in themselves as he does in them. He is the first to congratulate a winning pitcher, the first to console a player in a slump , the first to leap up to prevent a fielder chasing a foul ball from falling into the dugout. He can pat a player on the back when he needs it and kick him in the pants when he needs it and still be able to go out with them for a beer afterward—"so long as they pay the check."

"Listen, I kissed my father, Sam, every time I saw him until the day he died," Lasorda has said. "His five sons would have gone through fire for him. But if we got out of line, the roof fell in. It's no different with a squad of 25. Caring makes it all happen—it builds confidence and teamwork and gets those runs across the plate."

Thomas Charles Lasorda is 50 years old. His father was an Italian immigrant who drove a truck in the Beth-

"It Only Hurts When I Laugh": A glum Reggie Smith gets advice from Lasorda. Prescription: bologna

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lehem Steel quarry in Norristown, Pennsylvania, where Tom was third string on the high school baseball team. He is, by his own estimation, a uniquely American success story. He never attended college and claims he can't even spell "psychology," but he is a wizard at motivating people and even has made two films on motivation that are used by companies to train workers. Where else but America, he asks rhetorically, could a man with his credentials go on to be manager of "the greatest organization in the world."

"What more can a man ask for? They gave me the greatest team, the greatest group of guys there is. And you know why I never gambled all the years I managed winter ball in the Dominican Republic? I told this to the casino manager when he asked me. I said, 'Suppose I put one chip on 14 red and say to that Big Dodger in the Sky, "Please, God, let me win," and I win. And the next night we're playing in the bottom of the ninth and we need a run and I say, "Please, God," and He says, "Sorry, Lasorda, you used up all your luck on the roulette wheel." ' You only have so much luck in your body," says the man who says he's the luckiest man in the world. "I want to use up all of mine on the field."

Tom and Jo Lasorda have lived for 14 years in a comfortable tract home in Fullerton, about 35 minutes south of Dodger Stadium when traffic is light. Other than a picture of Tom in his uniform that hangs over the fireplace in the living room, there are few signs of a life devoted to baseball. The walls are decorated mainly with excellent charcoal sketches done by their daughter Laura, who didn't discover until she was 13 and went on an overnight pack trip led by two Utah cowboys that men talked about things other than baseball. The only mementos in Lasorda's den are a stack of plaques piled against the wall, a laminated *Sports Illustrated* cover of Tom (Jo's favorite picture of him), and three bats. Jo has a scrapbook with every clipping she can get from this first year of major league managing, but that is out of view. A couch is the most symbolic object in the room.

"We've had to replace that couch so often," Jo says in a slight southern accent. "There have been so many players to eat and sleep on it; the one in the living room just gets stuff put on it. And right where you're sitting is where 'Dad' gets it out. I can't believe his being able to talk rationally after a loss. Later on we hear what really happened."

Tom and Jo met in 1949 when he was pitching for the Greenville (South Carolina) Spinners in the Sally League. Lasorda was a star and was known and liked by lots of people in town, the parents of strawberry blond and gorgeous Joanne Miller among them. One day they hauled her off to a game because they didn't want her to date someone who had asked her out. Jo knew enough about baseball to have decided in advance that she would have a Coke at halftime. She was introduced to Tom, who asked her to wait for him after the game. Apparently knowing more about Baseball Annies than baseball, she declined, but Lasorda, probably for the only time in his life, was dressed quickly enough after the game ended to see her. "My first reaction to him was, 'You've got to be kidding,' " she says. "But he's the most persistent person I've ever met." He persuaded her to give up her desire to be an airline hostess and they were married the following year, not in June "so we could have a normal wedding" as Jo wanted, but during spring training. With $500 borrowed from Buzzi Bavasi, a longtime Dodger executive, they went on their honeymoon, a road trip to New

Go, Team, Go!: Lasorda proves himself the Dodgers' most vocal fan

After the game is over: a locker-room litany

One night after the clubhouse has cleared out a bit, Charlie Hough wanders into Lasorda's office wearing only rubber sandals and a towel, with a hairbrush tucked in at the waist. Hough, a 29-year-old relief pitcher, is probably the player Lasorda is closest to. Relief pitcher Mike Garman, whose nickname is "Pickles," comes in with him. " Lasorda is behind his desk in stocking feet, eating some beans pitcher Bert Hooton made for him. His uniform top is off, leaving a faded gray shirt with the Dodgers logo on it. His trousers are unbuckled and unzipped but still around his waist. Garman and Hough wonder what he will wear the next night on the *Tonight Show*. His uniform, Lasorda tells them.

"Your uniform?" Garman asks. Lasorda feigns anger and yells, "If I want to be buried in my uniform, why the hell can't I go on the Johnny Carson show in my uniform? You don't love the Dodgers like you should, Pickles."

"Sir, you better lose some weight," Garman says, pointing at Lasorda's ample belly.

"I don't give an eff about losing weight," Lasorda shouts. "I hope I'm fat when they bury me and you have to carry me."

Lasorda continues working over Hooton's beans as he launches into a discussion about his mellowing temper. Hough and Garman listen while occasionally making faces.

"I had a small man's complex, I guess you'd want to call it, when I was a player and started as a manager, and I got into so many fights," he explains. "I think I've matured, though. I've realized that those things only tend to aggravate you. In managing you can do so much to help other people—have a drink, Pickles, have a drink. I felt that in the minor leagues my job was to develop ballplayers for the Dodgers. And I knew that was going to take a lot of hard work and inspiration. I was get-

ting kids who were away from home for the first time and I wanted their parents to be able to sit back and say, 'I know one thing, that my son is playing for a man who is interested not only in what he can do on the field but in his character as well.' I cannot say that I ever played for someone like that. The nearest was Ralph Houk. Ralph Houk to me was an outstanding man."

Bill Russell walks in and sees the empty cold-cut plate. "I'm sorry, Billy. I called you when you started in a while ago. I had liverwurst for you and bologna for you . . . " Russell smiles and shakes his head; Lasorda goes on.

"The two goals I had were to develop ballplayers for the Dodgers and outstanding young men for their families and I think, I really feel this way, that I didn't fail. And if a guy couldn't bunt, or if a guy couldn't throw a curve ball, or if a guy couldn't act like a decent human being, then I failed him because I didn't teach him right." Lasorda rubs his stomach and grimaces as he pushes away the bean jar, "I shouldn't have eaten them sons of bitches.

"I've got a commitment and loyalty to my parents for trying to raise me right"—switching smoothly from the mundane to the philosophical—"and an obligation to God for putting me on this earth and trying to make something of me. I've got an obligation to my family to be a good Christian and a good father, and I've an obligation and an allegiance to the Dodgers because the Dodgers gave me an opportunity to stay in baseball and I'm grateful to them for that. The way I go on about the Dodgers to my players is the same way I've treated my children. I told them that their mother was an outstanding woman so they'd always love her. And I always told our players that they were members of an outstanding organization because I wanted them to love the Dodger organization. And I think these things are contagious." He begins a locker-room litany. "I think winning is contagious, you can help spread it. Happiness is contagious, you can help spread it. Dedication is contagious, you can help spread it. So my love and appreciation in life, outside my family, is to see some youngster do good not only in baseball but in life. Then I know there's a little bit of Tom Lasorda in each and every one of them. And I told them when they used to leave me to go to the major leagues, 'No matter what you do, any time you win a game as a pitcher or as a hitter and your teammates are extending their hands to congratulate you, just remember old Tom. He's back here with a tear in his eye knowing he's proud of you'. . . . Hi Patrick," he says as Reggie Smith's brother walks in. "What does he want? Scotch?" Patrick makes the drink and leaves and Lasorda doen't miss a beat. "They can play for only so many years but their character remains with them for the rest of their lives. You know something? When I managed in the minor leagues and a scout would walk up to me and say, 'Hey, Tom, Charlie Hough is a hell of a pitcher,' I felt good. But when we were in the hotel and the waitress came up to me and said, 'Hey, Tom, Charlie Hough is a *nice guy*,' I felt very proud. I never heard anyone else feel like that about players but that's just how I feel. I know their families, their children's names; I know their fathers' names. I'll tell you what," he says, pointing to Garman. "I'll bet you can call up every manager he's played for and he won't know his father's name. I met the man one time. His father's name is Houston. Houston Garman. You know what I told him? I told Houston Garman, 'You can be proud of that boy, he's an outstanding young man. He's got character. He's got respect. He's got discipline.' "

"You don't know my mother's name," Hough taunts.

"You know, Charlie, I met your mother. I met your mother one time."

"You don't know her name."

"You know, I can remember your mother as having a beautiful face, the kind of person you look at and say, 'Hey, she's a beautiful person.' I just met Charlie's mother one time . . . " Hough and Garman are laughing by now.

"Notice how casually he's getting away from her name," Hough says.

"I'm trying to remember. . . I met her at Vero Beach, one time, then she died. I know your *father*. What the hell, I know your brother's name. I know your brother's daughter's name."

"What? Wait!" Hough yells.

"Your brother's daughter's name is Laurie and your brother's wife's name is Carla. Your brother's name is Rick."

"Rick *what*?"

"Penguin's [third baseman Ron Cey] father's name is Frank, his mother's name is Shirley, his mother-in-law's name is Betty, his father-in-law's is Bob, his brother's name is Dougie. Pickles' brother, I managed against him. You know, his father was a hell of a football player. I know [pitcher] Rick Rhoden's mother's name and Rick Rhoden's father's name. Rick Rhoden's mother's name is Ernestine."

"That her name?" Hough asks.

"And his father's name is Tommy."

"I didn't realize that," Hough semi-marvels. Lasorda jumps all over him.

"Here's a guy who *played* with him . . . "

"Hey, wait a minute now, I know them very well. Mr. and Mrs. Rhoden. But I never asked them their first names."

"I've played for two managers who didn't know *my* name," Garman says.

"And they were fortunate they didn't," Hough interrupts.

"How do I remember names?" Lasorda goes on. "Hell, I haven't anything else to remember. I don't know how to fix televisions. I don't know how to do anything except remember people's names. You talk about remembering names. You know what I used to do on opening day in the rookie league? This is funny. I used to do it in Triple-A, too. The manager would come out and introduce his players. And in the rookie league, shit, they were coming in every day. So opening day, I'll never forget this, Connie Ryan was managing Twin Falls [Idaho] and he's got a roster and I'm standing at home plate and the players are standing up and I'm going, 'Joe Blow, This Guy,' calling them by their names as they come out one after the other. And he says to me, 'How the hell can you do that?' It was because I'd studied their names when they were practicing before the season and I'd say, 'Hey, Ron Tannenbaum, how you doin'? Hey, Charlie Hough, how you doin'?' Then I'd go in and do something and come out and start calling them by their names again. In a day or two I knew them. Same thing when I went over to work with the Tokyo Giants."

"What are *their* names?" Hough asks. Lasorda grins and leans forward.

"The two catchers' names were Mori and Ohashi. The first baseman's name was Sadaharu Oh. The second baseman's name was Doi. The shortstop's name was Funada. The third baseman's name was Nagashima. The left fielder's name was Kunimatsu. The center fielder's name was Shibata. We made a switch-hitter out of Shibata. He's the only switch-hitter in the history of Japan."

"Nagashima could hit, too," Hough tells him.

"Yeah, there were two great ball players. And then they had pitchers. Watanabe. Takahashi. Horiuchi. I used to come out on the field and call them by their names and those guys were stunned. But I used to go back and study their names because the worst thing you can do is walk around spring training calling a guy, "Hey, you, hey fella, hey number 72.' The greatest thing in the world is to call a ball player by his name. They think, 'This man is the manager of the *Dodgers* and he knows my name.' Another drink, Charlie? I feel good when you're around me." Lasorda's grin is as wide as his waistline. . . ."Pickles?"

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As a minor league manager Lasorda kicked holes in lockers, tossed food, was thrown out of countless games . . . and a Caribbean manager once pulled a loaded gun on him for being so abusive. . .

York. Laura, who is as good-looking as her mother, was born in 1952; Tom Jr., in 1958.

"You don't marry someone to change them," Jo says. She knew the life she was in for: long road trips and absences, the responsibility for finding homes and paying bills being hers, the emotional extremes professional athletes go through. Tom says that if Jo doesn't ask him to mow the lawn, he won't ask her to pitch. Even the kids seem to understand. Of all Laura's ice skating competitions and dance recitals (she has a degree in dance from Long Beach State), her father managed to get only to her high school graduation, and then only because a game was rained out in Salt Lake City. Still she says, "I think teachers should take a lesson from him, to have the kind of respect he has for his players. I'm going to use his example in teaching dance. I wish I had danced for people like my father."

I have seen Tom Lasorda in action at about 10 games this season, from mid-May to late August. He is as unchanging as the Sphinx, although considerably more voluble.

Here is Tom Lasorda on the road, at Shea Stadium in New York (although it could be at any park) dealing with the local press. He is eating ham that he has rolled around cheese, and chicken. When he is not eating—and eating is something he has done about 20 extra pounds' worth of so far this year, somewhat squaring his 5-foot-9-inch frame—he takes an occasional bite of his thumb and reads a newspaper between questions. One of them is, does he have any trouble motivating a team that has a 13-game lead?

"Does a man have trouble eating filet mignon?" he asks, taking a bite of chicken. "I'm happy and grateful and thankful." How is it, then, the reporter goes on, to wake up in the morning with a 13-game lead? "How is it to wake up in the morning 13 games up? First let me tell you how it is to wake up in the morning." There are laughs and he looks at the drumstick he's eating. "I think I know how they killed this chicken: they starved it to death." He goes on about how little he has to do with his team's success. "I don't throw any baseballs, the pitchers do. I don't hit any baseballs, the team does. It's a matter of this team's love and respect for each other and their will to win." This is his recurrent one-for-all-and-all-for-one speech. "There are 25 players, four coaches and a manager all playing together."

An hour before game time Roy Campanella is wheeled into the locker room. Campanella was the Dodger catcher between 1948 and 1957, when he was paralyzed in an auto accident, and

After the Game: Tom Lasorda in his own write

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they played together when Lasorda was called up to Brooklyn.

"Campy! How are you?" Lasorda calls out as he goes over and busses him on the cheek. Then he takes Campanella around the room, where players are getting dressed or playing cards, introducing him to everyone. When he gets to pitcher Doug Rau, Lasorda says, "He can pitch like the Preacher [Roe]." "Yeah," Rau says, "but I can't throw a spitball." Campanella claps his hands in mock innocence: "Preacher didn't throw spitballs."

And here is Tom Lasorda at home. The clubhouse at Dodger Stadium is much like that in any modern ballpark. A cement corridor with painted cinderblock walls and rooms off to one side: a team meeting room with high school desks, where pitchers hang out and watch videotapes of their last game; the players' locker room, in this case with a Dodger blue rug, and a couple of tables in the middle for playing cards and signing the two dozen or so balls that are given away every day. The coaches' room, off to one end, is bigger this year because Walter Alston had about half of it partitioned off for his office, which meant that it was large enough so three writers could touch elbows and take notes. Lasorda's office is off the foyer between the locker room and showers. It is big enough to hold a cocktail party. Or put on a show. The room is Lasorda's stage. On the road, he is an entertainer. At home he is the main attraction—to Dodger Stadium as Frank Sinatra is to Caesar's Palace. He calls the room "my domain." Old friends drop by to say hello, others bring food for him, writers come in for interviews, players and various kibbitzers kibbitz. Lasorda holds court and tends to them all. On this day Los Angeles sportscaster Stu Nahan, a frequent visitor, comes in and calls over to Lasorda, who is at his desk going through the score of letters that came in the day's mail, "You've done more good for baseball than anyone since Bowie Kuhn came out against wife swapping."

"You know," Lasorda says, ignoring the comment, "when I was at Ogden, I was lucky to get a letter every three weeks. I had to beg Jo to write me—and she was right there."

For all those years as a manager in the minors and as a scout, Lasorda was a little like Moses, who wandered in the desert, firm in his faith in that Big Israelite in the Sky, counseling all who would listen that good times were ahead. Tom Lasorda wandered in the wilderness of Ogden and Albuquerque and Santo Domingo, counseling every player and Rotarian and fan that the Dodgers were the best team in sports, the best organization in the world. For years he watched a new generation of players that he had coached and formed make it to the promised land of the big leagues, especially to Los Angeles, while he and Jo wondered if his chance would ever come. But Lasorda is one up on Moses in that at last he gets to enjoy the milk and honey. He is buddies with Frank Sinatra, who sang the national anthem on opening day, and with Don Rickles, who sends him telegrams like the one that reads, "I've already made arrangements to hire [Cincinnati manager] Sparky Anderson as your valet. Good luck to you and your looney tunes team." Lasorda's office walls are hung with an ever-growing number of framed photos of him with various sports and show business personalities, from Sandy Koufax and Joe DiMaggio to Telly Savalas and Rob Reiner. One wall is exclusively "Frank's wall." He has even had a celebrity roast.

Lasorda's garrulous ways and showmanship have found a home in Hollywood; and fame suits him. "Why not?" he says. "It's better than being somebody nobody knows about." In a 24-hour period in August, Lasorda was the attraction at a discount store opening where thousands of people showed up to meet him; he had a Mike Douglas show taped in the locker room; and he appeared on the *Tonight Show* (he had already been on *Today* and *Tomorrow*). He revels in the mail, the interviews, the car commercials, the book contracts. I asked him whether by the end of the season there'd be a writer he hadn't talked to, or a store he hadn't opened or a show he hadn't been on. "I hope not," he said, walking over to meet two more people.

There is a Tom Lasorda who bemoans losses and worries and peers into the abyss of despair, but that Lasorda doesn't deal with his players. Oh, he'll get mad ("After a loss in the minors he might strangle you if you weren't hustling, but he's mellowed some," Tom Paciorek says) and yell at the team in a closed meeting to get them fired up, but he'll never criticize one player in front of another. His pep talks, while effective, also provide a certain comic relief. Lasorda favors a popular four-letter expletive and the team keeps count of how often he uses it in meetings. Before a recent game with San Francisco, after the Dodgers had blown a couple of previous games, he used it 83 times—a new record, two of his players said afterward. The only word he uses more frequently is "outstanding," as in "He is an outstanding pitcher," "That is an outstanding curve ball," and "This is outstanding bologna." He also refers a great deal to lesser deities than God, as in "This guy Niekro could put the 12 Apostles in a slump." One of the pictures on a wall is of the Sacred Heart. The day after it arrived from a fan, he and pinch hitter Manny Mota discoursed in Spanish on

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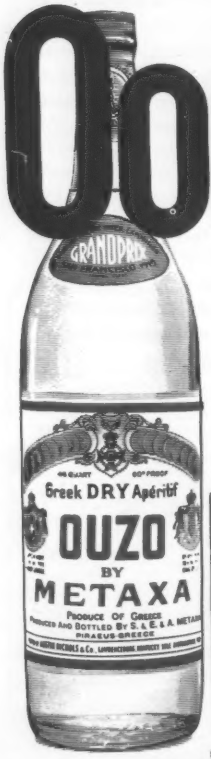

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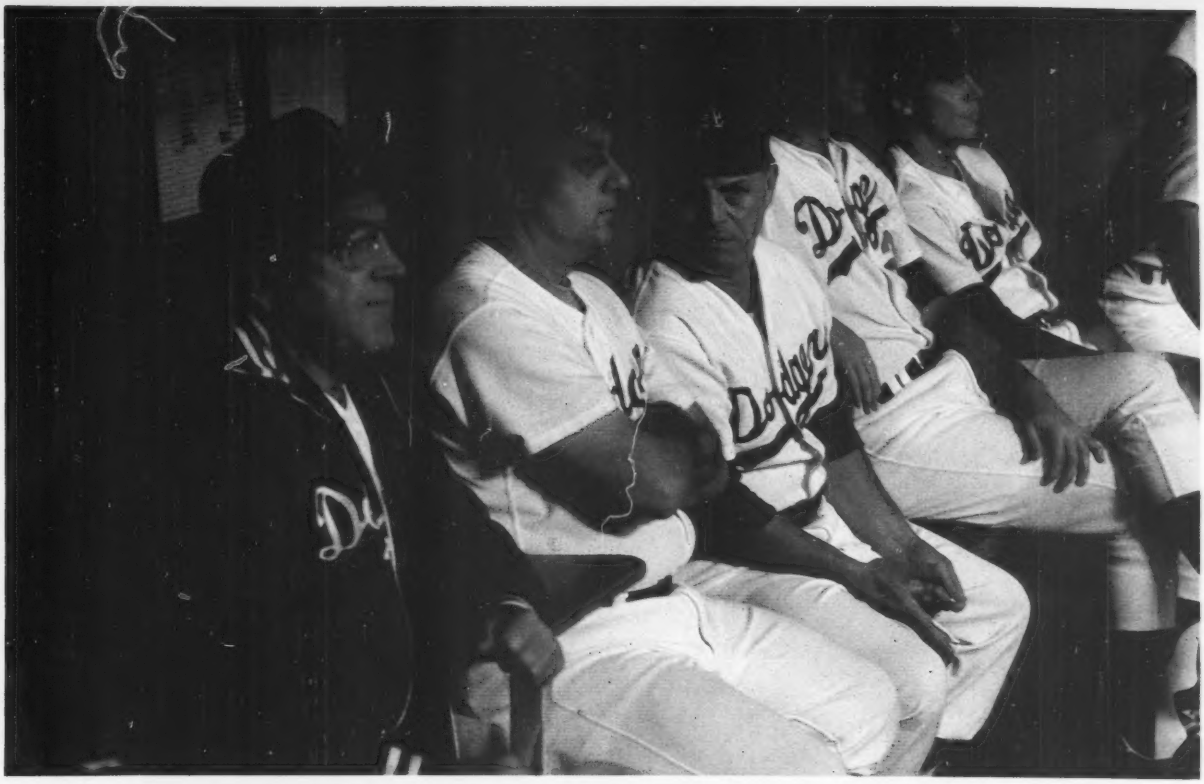

A Dugout Duet: Nobody doesn't like Lasorda; not even insult comic Don Rickles

how Jesus above all came first. The next day someone asked Lasorda, "Did God send you that picture?" and Lasorda laughed and laughed and made sure everyone in the room heard the joke.

What most distinguishes Lasorda from other managers is his closeness to his players, both on and off the field. When he goes to speak at a luncheon, he takes players with him to show them off. When he doesn't have a speaking engagement he will often meet players for lunch before going to the park. He is not the aloof rule-setter most players serve under. He nurtures his players, emotionally, professionally, even physically, and he will drop everything to play with one of their kids. While being able to maintain discipline, he is also able to turn his office and its amenities over to his players: they can come in for a drink, he is always calling people in to give them food—slices of bologna or liverwurst, samples of whatever delicacy has been brought in that day, like roast pork from the cook at a Chinese restaurant he and several players frequent. This looseness and affection has not been lost on his players, even those who didn't grow up with Lasorda but rather came to the Dodgers after they were established. Before the season started, people in baseball were looking to see if Lasorda could get away with treating them as he had the others. He has succeeded; 32-year-old right fielder Reggie Smith is one of those new players. He is an excellent ball player who was unhappy at Boston and St. Louis and acquired a reputation as a malcontent. Under Lasorda he is playing to his potential—he is the best-hitting regular player and he has delivered in the clutch all season.

"Other managers are concerned about winning and losing, but that's about the extent of it," Smith says. It feels good to know where you stand and what's expected of you." (Right after he was appointed manager, Lasorda told all his players what their role on the club would be. By the time spring training started, Lasorda had decided on his starters and they worked as a unit all spring. Many people say the Dodgers' fast start was due in large measure to this.)

"Tommy is most unique and personal. When I was in St. Louis I roomed with Willie Crawford [who started out in the Dodger organization] and he would call Tommy up just to talk over problems. The three of us went to dinner one night last year. It was strange to see a coach having dinner and drinks with players because that's who he wanted to be with. I wondered if he could separate his responsibilities to players and management, and he can. The way Tommy manages is the way of the future."

However true that may be, not everyone is a member of the Tom Lasorda fan club. Sparky Anderson calls Lasorda "Walking Eagle: he's so full of shit he can't fly." In May, when the Reds were 11 games behind after the Dodgers had one of the fastest starts in baseball history, Anderson said, "I want to see how he reacts when it turns. We've won under soundness, not somebody losing their coconut. We're solid people. We've acted like pros, looked like pros, and done our job. They're going to look back someday and realize in the long run this is a better way."

"There are probably a lot of people waiting for an opportunity to cram Tommy's words back down his throat," Elton Schiller says. "I wouldn't say they are mortal enemies. They'd just love to say, 'I told you so.'"

Although the Dodgers had a few important injuries and slumped to playing under .500 between the All-Star break in July and the end of August, Lasorda kept his cool, kept the team loose, and they played in September much as they had at the start of the season. While it remains to be seen how Lasorda will do when a pennant is lost or if the Dodgers do poorly in the playoffs or World Series, he has done all that could be expected of him this year and his critics may have to wait a long time for satisfaction.

Certainly Lasorda is publicly oblivious to anything but his own optimism. When asked during a Dodger hot streak if he thought the law of averages would catch up with his team, he just looked puzzled and said, "That's a branch of law I'm not familiar with." ●

LINDA RONSTADT.....

Her soft-core charms

by John Rockwell

Most of the guests had a good time at Linda Ronstadt's Fourth of July party this year. There are a few grumbles that Malibu Colony had been too cheap to organize a fireworks display. And Linda herself, wandering about a bit mopishly, complaining that "everybody has a date but me and I'm the host," looked a little green about the gills. (It turned out later that she was coming down with a strep throat, which was to trouble her during the first part of her summer tour.)

Still, by every other index it was a jolly affair, and what made it remarkable was the guest list. There were plenty of men there, and no doubt they were full of self-esteem. But nearly all the famous folk were women, from Linda to Joni Mitchell to Emmylou Harris to Bonnie Raitt to Wendy Waldman to such up-and-comers as Karla Bonoff, Libby Titus and Nicolette Larson. As Raitt put it, the guests came close to including "every girl singer known to man."

Such an assemblage might easily have degenerated into tense competition, the reigning queens eyeing one another with thinly disguised hostility. But this was Linda Ronstadt's party, and nobody is less competitive than she. The fact that everybody brought food they had prepared themselves helped to make it a homey affair. If Emmylou's broccoli casserole was the most delicious, swimming as it was in mushrooms and breadcrumbs and other good things, all the food made both a fine symbol and a fine meal.

But there was another, larger symbol at work here, too. Ronstadt would cringe visibly at the notion that she was the leader of these women, but in every statistical sense she most certainly is. She's the most famous, the best-selling and the richest. Her last four albums (not counting Capitol's exploitive *Retrospective* two-disc set, released only four months after Asylum's *Greatest Hits*) have gone platinum (meaning over one million units sold), and her *Simple Dreams* will do so later this month; altogether she's sold some 12 million albums. She has won nearly every major award for best female pop, rock and country singer. Her success has inspired record companies to sign women artists who simply wouldn't have gotten the same chance a few years ago. Long the most heavy-breathing woman sex symbol in rock, she's now increasingly featured in the non-music press, with covers on general-interest magazines and the gossip columnists abuzz about real or suspected liaisons with Jerry Brown, Mick Jagger and Chip Carter. She just ended a tour with 12 triumphant performances to over 65,000 people at the Universal Amphitheater in Los Angeles. And there are possible television specials, films and stage appearances on the horizon.

Through it all, Linda is growing. Not up or out, but in—she's expanding her intellectual horizons and her circle of friends, she's deepening her music and she's learning to master the very real fears that impinge constantly on her life. What makes all this interesting to millions is the way Ronstadt has made art out of herself. Since she is not really a songwriter, she has to express herself through others' material. That she has done, superbly; it would be hard to imagine a performer with a more focused image than she. The image is one of an almost painful openness and vulnerability, leavened with a girlish sexuality and countered by an increasingly assertive, sassy toughness. People love her because they sense that it's all real.

For a long time, Linda Ronstadt was a cult artist—someone who had a lot of fans but not enough to make her more than an honorable second-line performer. When she first came to Los Angeles in 1964, a dropout after a short stint at the University of Arizona, she was in a folk trio called the Stone Poneys, which produced a respectable national hit for her in 1967 called "Different Drum."

"I think women aren't put off by my sexuality because I never flirt with an audience using sex as a weapon. I flirt because it's fun"

Then, in 1970, she had a moderate solo hit with "Long Long Time." But after that came a series of personal ups and downs and solo records as notable for stylistic unsureness as for anything else. The standard explanation is that she kept mixing her professional life with her personal life, in that her managers and producers were usually her boyfriends. In a larger sense she was struggling through the kind of perpetual identity crises that afflict many people in their twenties. It was only after she had made Peter Asher her manager and producer and released *Heart Like a Wheel* in 1974 that she became the celebrity she is today. The album went to No. 1 with two No. 1 singles, and theoretically all should have been smooth sailing. Instead, she suffered through one of her worst periods.

"The first thing I had to do after *Heart Like a Wheel* went platinum was stop feeling guilty about my success, stop walking around apologizing to every single person I knew," Ronstadt recalled the night before her Fourth of July party. She was standing by the stove in her kitchen in full dinner-party regalia, which in this instance meant curled hair, makeup, earrings and a fetching off-the-shoulder fluffy print dress. Our conversation came between a dinner party she had just been to with Jerry Brown and the imminent arrival of Betsy Asher (Peter's wife) and Joni Mitchell, who were coming for an all-night pajama party. As she talked, she fussed over several loaves of bread she was baking, her contribution to the pot-luck spread for the following day.

"The most miserable tour of my life was in 1975, after *Heart Like a Wheel*. It was as if all your dreams of success came true, and you still felt like the same old schlep you always felt like. You really freak. I was still feeling very unworthy. Now I realize that it's *not my fault*. I worked hard and I earned it and it's up to me whether I enjoy it or not. I choose to enjoy it, and I'm really having a great time now. I've got a lot of politician friends, for instance. I tour in their world and they tour in mine. But that's not all. I'm learning faster and more now than I've ever learned. There's information coming into my brain like cannons. I feel like I have to run away sometimes so I can have the chance to store it in my memory banks so I can go out and get some more."

Although she recognizes vulnerability as part of her personality, she's tired of being tagged as a victim. "I'm a stronger person now," she said earnestly, sitting down again at the kitchen table while the bread baked. "People don't blow me out of the water the way they used to. I do think a lot of people have just come along and fucking taken *swipes* at me. I think men have generally treated me badly, and that the idea of a war between the sexes is very real in our culture. In the media, women are built up with sex as a weapon, and men are threatened by it as much as they are drawn to it, and they retaliate as hard as they can. I'm not saying I've got a corner on the market and I don't say I haven't been mean back, but I don't think it's all in my head, either.

"A lot of women fall into that trap. They love to act like a victim—they *love* it. They think some prince charming is going to come along and rescue them, and all that happens is somebody looks down and says, 'Why can't you stand on your own two feet?' They might help you up once or twice, but after a while they get sick of it, and you have to do it by yourself.

"I don't think I've allowed myself to be stopped by anybody. I seem to spend half my life these days defending Mick Jagger, because women say he's sexist. He hasn't pinned any of that stuff on me, because I didn't let it happen. Being able to sing songs about an emotion is to triumph over the emotion. All I've done in my music is acknowledge that I've been hurt. I've been crippled, but I'm still walking. Ever since I was six years old, I've been looking for the perfect boyfriend. But I wanted to be a singer since I was two, and when it came

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right down to it, I would never give up the singing for any old boyfriend."

That hardly means that Linda Ronstadt has, at 31, turned into a tough, career-minded woman who's put her emotional troubles behind her. People who respond to the pain and passion of her ballads can rest assured that there's still plenty of turmoil left to inspire her.

Take the tour that just ended, for instance. Before it began in early August, she was eager to get out on the road again. She hadn't performed for six months and she was full of confidence about her evolving performing skills. At 107 pounds, she was at her lowest weight in years, and she usually feels good when she's thin. She was proud of her new band, and, as she put it ruefully a few weeks later in a late-night telephone call, "it was going to be rock and roll forever."

It didn't work out quite that way: "It wasn't vague, neurotic meanderings that made me feel so bad," she insisted later. "There really were things to feel bad about." Chief among them was the state of her voice, weakened by the strep throat infection and strained by the final bit of overdubbing on *Simple Dreams* (which was the repeated "You've got to roll me" at the end of "Tumbling Dice").

"I worried myself sick," Linda said. "I wasn't able to rely on what I count on most, my voice." In addition, there were gynecological problems, worries over gossip-column reports about her love life, and tensions within the band—not only because it turned out to be a particularly sensitive group of people, but because Ronstadt felt insecure about her own musical skills with musicians she so much admired, and her own insecurities rippled out into her entourage. "Everybody takes their cue from me," she says.

The clouds began to gather when she had a dream in Maryland about being attacked and bitten by her favorite animals, "ducks and bunnies." It was only the next day, when a children's petting zoo was discovered near the site of the concert, that she could allay her not-so-simple dreams by spending a half-hour petting soft little animals. But next week in the bus, driving from New York to Tanglewood, trouble was in the air again. Linda was uncharacteristically mute on the way up, curled under a blanket and watching *Star Wars* on the viedo cassette. At the show she looked tense and scared, retreating back to Ricky Marotta on drums between every song and clearly nursing her voice by singing at half volume when she could get away with it. The next night in Suffern, New York, it all came to a head. After the fifth song she simply felt too weak and faint to continue, and the audience's money was refunded. She toyed with canceling the tour and slinking back home to Malibu, but visits to a throat specialist and a gynecologist in New York proved reassuring, as did a talk with her doctor in Los Angeles. On the telephone she sounded shaken but determined. "We're going to take it day by day," she said. "I really think everything in my life led to last night."

The point is, though, that she made it. "I've been reassured by this," she reported a few days after Suffern. "The central core of my being *is* strong." It is a theme she's sounded often. And it's related not only to her growing confidence in her music and her success, but in her realization that she could live alone, not permanently tied to any one boyfriend. Last year Karen Durbin wrote an article in the *Village Voice* about being a woman alone; Linda carried it around in her purse for a month, showing it eagerly to all her women friends.

"Men give you a nasty choice," she argued at the kitchen table in Malibu. "Either you put up with them chipping away at you emotionally, or you don't have them. Well, I've chosen not to have them—not to live with someone. I chose to have lots of boyfriends instead of trying to pin it all on one, and I look to myself for my own security. I don't see my life as a failure because I live alone. I wake up sometimes and say, 'Oh my god, this is *torture*.' But other times I say, 'So, I'm alone, so I can read.' And sometimes I wake up in the morning and I'm *not* alone. But I don't turn around and say, 'Look what's become of me,' because the man is always a good friend. I don't feel I'm promiscuous particularly. I can't expect to fall in love with every guy I go to bed with: that's just silly. But there's no reason why you can't have an intimate relationship based on affection and tenderness and warmth and friendship—and sex. It's not love, but it's not bad!

"I think women aren't put off by my sexuality because I never flirt with an audience using sex as a weapon. I flirt because it's fun. It's not a sexy thing so much as spunk and enthusiasm. I feel like the audience is involved and I'm involved. People love somebody who has spunk. They want you to be their hero, their victor. You can use sex as a threat, or you can use it like Dolly [Parton] uses it, as a celebration of your attractiveness, with nobody left out.

"I find now that I'm starting to make friends with women in other professions—it used to be that girl singers were the only professional women I knew. All my women friends encourage and support each other. Mostly, we're all single, and we find that we're *enjoying* it. It's lonely, but Jesus Christ, I was lonelier when I lived with somebody. I'm not saying it's better. I'm just saying that living alone is better than living with someone you don't want to live with.

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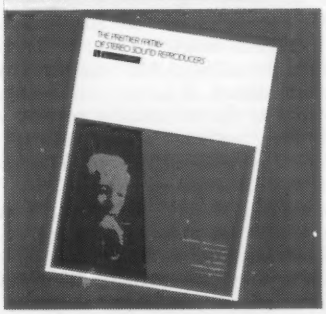

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"I'm always looking. I realize now at the edge of my mind that I may never live with anybody, that I may never have children, that I may drift and drift and drift forever. Maybe past this stage is the point where I can trust somebody enough again to fall in love. Living with someone where there's room for mutual growth is probably nirvana. I don't think I'm incapable of that, that I've lost the ability."

Even from the first, Ronstadt's assertiveness came out in her voice. "The human voice is the hardest instrument to pose behind," she remarks. "It's like somebody kissing you, it's so revealing. You can read out everything. You can get a whole psychological profile in a voice." So far, what people have been able to get from her clarion low soprano with its cutting top is her power and her throbbing vulnerability; the intelligence and humor are just beginning to emerge in songs like Warren Zevon's "Poor Poor Pitiful Me" on the *Simple Dreams* album. It is her sheer beauty of voice and the technically perfect way she sings that have always ensured her career, even at the depths of her self-doubt. Its operatic qualities—"I'm known as a belter," she says; "I really think of it as shoving columns of air around"—thrill audiences in concert even as they offend some critics used to conversational intimacies amplified by electronic technology.

Linda comes from Tucson, and her father, although he has some German ancestry, is a Mexican-American. The basis of her style, she says, is Mexican—despite her pioneering role in the evolution of Los Angeles country rock and her continued popularity with country audiences. "This kind of music I listened to as a child was Mexican music—'ranchero,' like Lola Beltrán. So country it is, but it just doesn't happen to be *this* country." By now, however, she has pushed her stylistic range into folk, pop, country, rock, jazz and cabaret, with no end in sight. In the past she wasn't always secure with all the styles she attempted. Part of that was because of a certain innate gentility that her admirers find charming in itself—a residue of her debutante past and a family conscious of its descent from Spanish nobility on her father's side and WASP aristocracy on her mother's. "Ours was the kind of family that belonged to the DAR," Linda recalls. "But my mother didn't equate that with snobbery so much as with grace, with a sense of style."

The main explanation for Ronstadt's one-time interprepretive limitations is something else, though. Ever fearful of being considered a "lame" or "lightweight" singer by her macho-musical circle of Los Angeles folk-rockers, she recoiled from practice out of a fear of ultimate failure. "Laziness is a real tricky word," she offered on another night, a crackling fire burning in her living room. "Laziness is really fear. I'm not afraid of hard work, or even of drudgery. It's just that I was scared because I didn't know what to do. My taste developed faster than my craft, and my frustration tolerance was real low. I was terrified that if I actually sat down and tried to learn to play the guitar and work out my songs, that my phrasing wouldn't improve because I really just didn't have it to start with."

Now that's changing. The wonderfully subtle, sensuous way she sang Willie Nelson's "Crazy" on this summer's tour owed something to Don Grolnick's elegant piano playing, but even more to her sheer absorption in a song she dearly loves. Similarly with "Tumbling Dice": It could never sound so effortlessly funky without the hours she spent on it with Jagger, with her guitarist Waddy Wachtel (a primordial Stones freak) and by herself, with cassettes of the Rolling Stones' studio and live versions and her own past efforts.

As with any artist, Ronstadt sings best when she is projecting real emotion, and one of the reasons she's so successful is that millions of people believe (correctly) that they're getting the undisguised Ronstadt when she sings. One of the things rock and roll did was blast aside the artificialities and mannerisms of Tin Pan Alley adult pop. In the 1970s a softer rock, one oriented toward love

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and personal intimacy, replaced the more urgent, abrasive sounds of the sixties, yet did so without reverting to the stagey mannerisms of the past. "I don't ever sing anything that isn't personal," Linda says. "I can only sing about my own emotions, and I always wear my emotions pretty close to the surface. I don't know how to live any other way. My image is focused because I've not on many occasions stepped too far out of character. I don't do things that aren't authentically me. Anything I feel is not authentic gives me a headache. Even if I stumble, it's still authentically me stumbling."

Quite apart from her gift of projecting herself through others' material, it would still be nice if Ronstadt could compose her own songs more consistently. The two she wrote on her last album were so good that people were naturally disappointed that she didn't offer any new ones on *Simple Dreams*. She will probably resume writing as soon as she doesn't feel pressured by people's expectations. At the moment, she's still loath to sing her "Try Me Again" in public; she sings personal songs, but some things are *too* personal. "It's too revealing of my feelings," she says with one of her ever-present laughs. "It's embarrassing to tell everybody I felt that bad. It makes my face red."

Ronstadt is playing more and more guitar in the studio and onstage these days, and concerning herself carefully with the arrangements—even though for *Simple Dreams* she decided deliberately to give the band its head. In the past, for all her affection and respect for Andrew Gold, who led her band from 1974 through 1976, she had worried that the British-pop sensibility that emerged from the combination of Gold and Peter Asher had distorted the folk-country-rock simplicity of her music. This time—with Gold gone in pursuit of his own career—she felt surer of the stylistic instincts of her hand-picked band, and let them work things out cooperatively with her: "Lots of times I've felt I haven't gotten enough credit for the arrangements; lots of times I feel I haven't taken enough responsibility. What I did on this album was pick the musicians, pick the tunes, pick the style of the arrangements and then just let everybody do their job, and it all worked. I think *Simple Dreams* is a great statement about California music," she adds with uncharacteristic pride.

In the past Ronstadt has resisted a leadership role, and her love of harmony singing expresses itself still—not only on her myriad appearances as a backup singer on friends' records, but in her persistent fantasy about forming an all-women group for recording and even touring (the latest, highly tentative scheme is for a trio of Linda, Emmylou Harris and Nicolette Larson). But her strength reveals itself now in the way she relates to her band—a rather miraculous combination of affection, tact, flirtation, mutual respect and simple command. The traumas of this summer's tour were special: at one point the only solution, spontaneously arrived at, was for everybody to sleep together in a heap in the back of the bus—and that means literally sleep, with nothing more implied. The group-therapy dramas of the tour were instructive, though, and resulted in a new closeness as the tour moved west. "I learned more on this tour than in going to my high school reunion," Ronstadt reported wryly the other day.

She is also progressing steadily as a performer, despite the shakiness earlier this summer. Part of her problem—as well as her success—derives from her very lack of pretense. "I'm never a different person offstage than I am onstage," she says. "I don't *have* a stage personality." What that can mean is that when she's upset or scared or unsure, the audience is short-changed. "You feel incredibly self-conscious when you stand on stage," Linda laughs. "It's because everyone's *looking* at you, and they expect you to *do* something. But sometimes I'm wearing a silver dress and shaking my ass, so I never could figure out what I wanted to do in that respect. Basically, though, I'm a ballad singer. People don't get up and boogie to ballads. Also I find that a little intimidating, to be honest. It scares me. They're all *yelling* at me!"

Related to her musical constraint is her lack of snappy stage patter. "When I was in London last year, as I was trying to go to sleep in the middle of the night, I would think of these incredibly funny things I could say on stage. But when I got up there, I would think, 'I've already thought that up, so if I deliver it, it's going to sound wooden.' Then I'd say, 'This is really stupid, standing here with nothing to say.' So I would say it, and because I was concerned about it sounding wooden, it *would* sound wooden.

"I've got the reverse problem from a lot of performers," she muses on the couch before the fireplace, throwing a sweater off her shoulders to reveal a lacy negligee ("I'm not being seductive," she interjects earnestly; "It's just hot"). "What they do is seal themselves off from the rest of the world by taking out their need for personal contact on a large crowd, because really that's less of a threat than relating one to one. I've never been any good at that, but I'm pretty good at one to one. I do have close friends; I do have romance relationships."

Her problems are more a reflection of recent insecurities than of an innate fear of performing. "When I was a little girl, I knew that what singers did was get up and perform. I'd get real

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nervous, but I wanted to do it—I wanted to show them that's what I was. The first time I really sang in public as a teenager, I just got up there on stage and WHAM, there it was. I just all of a sudden was on fire and wanted to do it, and it really showed." It still does, especially her physical joy in singing. And recently, since Jagger and other friends have badgered her into more fully realizing her abilities as a rocker, she's been cavorting more exuberantly onstage than ever before. When she trotted onstage recently in a Red Sox baseball cap, red slip and white-with-red-striped track shorts that looked perilously close to hot pants, and had kicked off her high-heeled shoes for her final rave-up of "Tumbling Dice" and "You're No Good," there wasn't another woman singer in rock who could touch her.

Of course it's not just her music that has won Ronstadt her success. Even before her 1970 Daisy Mae, Moonbeam McSwine album cover on *Silk Purse* Linda was regarded as a sex symbol. Then it was braless bouncing and bare feet; today, it's more sophisticated and complex, though no less overt. But there are problems in being a sex goddess, and Linda is constantly reminded of them.

"I love sex as much as I love music, and I think it's as hard to do," she begins—back at the oven again this time, poking nervously at her rather leaden-looking bread loaves. "I don't know how good a sex symbol I am, but I do think I'm good at being sexy. The sexual aspect of my personality has been played up a lot, and I can't say it hasn't been part of my success. But it's unfair in a way, because I don't think I look as good as my image. Sometimes I feel guilty about it, sometimes I feel embarrassed about it, sometimes I feel I have to compete with it. But that's part of the fun, too—that's part of the charade. When you look at somebody like Jean Harlow real close, she really did have an exquisitely formed face and beautiful hair and beautiful skin and a real gorgeous figure, and those are things I just don't have. But I don't think they're essential to being attractive. Sometimes they're more of a handicap than a help. I think vitality is what is attractive to people. That's why there are a lot of pretty girls that are kind of boring to look at. If I get a hot romance, my sexuality is likely to work whether I curl my hair and put makeup on or not. When it's successful and I'm at my shining best, I like to think of it as sassiness that incorporates sexuality and strength. It's aggressive without being intimidating. As long as there's strength in my attitude, I like it."

Compared to movie stars of the Harlow era, Ronstadt has far greater control over her own image. Records are so inexpensive next to films that moguls can afford to indulge their successful artists, who in turn can dictate not only the contents of their albums but their cover art and publicity material, as well. But the control can't be complete; journalists, gossip columnists and the variables of public taste and perception are still too fickle for that. At the moment, for instance, Ronstadt worries that her image may be getting too sleazy. There's an undeniable hot-tramp side of her personality—her "hooker streak," as she puts it—as anyone who saw her recently in high heels, bare legs and track-short/hot pants at the Bottom Line nightclub in New York can attest. But that's only one part of what she calls her "multiphrenic" personality, and she worries if people don't perceive the rest. That was why she bitterly regretted Annie Leibovitz' photos of her last year in *Rolling Stone*, especially the candid one of her sprawled on a rumpled bed in a red slip.

"Annie saw that picture as an exposé of my personality," she says. "She was right. But I wouldn't choose to show a picture like that to anybody who didn't know me personally, because only friends could get the other sides of me in balance; only they could get the full dose. That's why that kind of picture would be called 'intimate.' It defines the word. That picture implied that when I said girls didn't have to be butch to be equal to the guys that I meant they had to go to the other extreme and look real dishy all the time. The point is to be yourself, to be a female person."

Her sex-bomb image leads to other worries: "In Rona Barrett's column I'm always off with everybody's husband. Some of them I don't even *know*. I keep saying I wish I had as much in bed as I get in the newspapers. I'd be real busy. I'd have to make appointments. But the public could become disenchanted with me abruptly, depending on some aspect of my personal life. Things like that, you never know."

The basis of Linda Ronstadt's public image remains love in the wider sense, rather than hard-core sex, and that's a fair reflection of her personality as a whole. "I think I'm a real seventies person," she offers. "Sixties protest songs always seemed too general to me—and hypocritical, too, if some guy was singing about mankind just after he'd left his wife and kids. Maybe I'm a very narrow person. But the experiences that move me deeply are the experiences I have with other individuals, whether it be friendship or romance. It's always traumatic on some levels, it's always uplifting on some levels—those are the things I like to express in my music." ●

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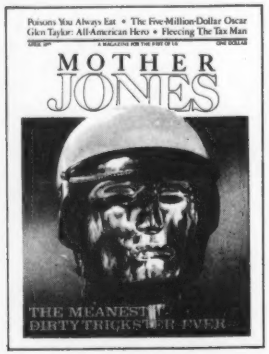
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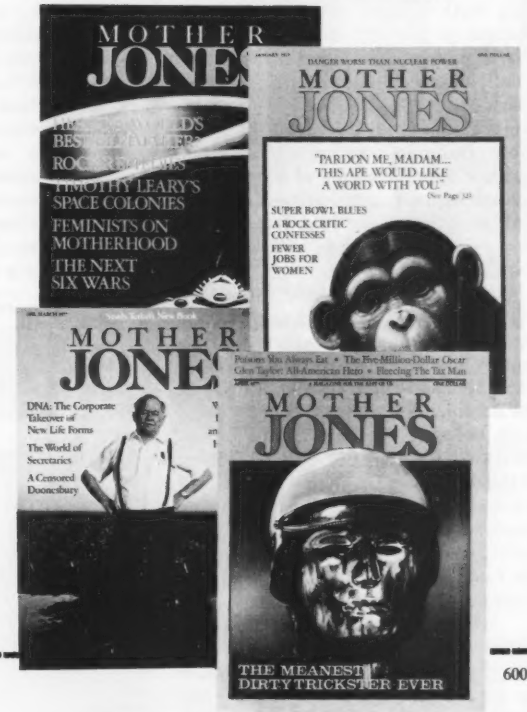
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True Confessions *by John Gregory Dunne*. A Henry Robbins Book. Dutton (341 pp., $9.95).

John Gregory Dunne and his wife, Joan Didion, alternate months in *Esquire* with a column called "The Coast" that brings back California, and especially Los Angeles, captive and alive, to the titillated attention of the rest of the country. There are surface similarities between the two writers: they both record the most delicate changes in the customs and idioms of movie people; they are sensitive to a deadly degree to phonies; they share a relish for the absurd, the out-of-place, the self-important, the venal.

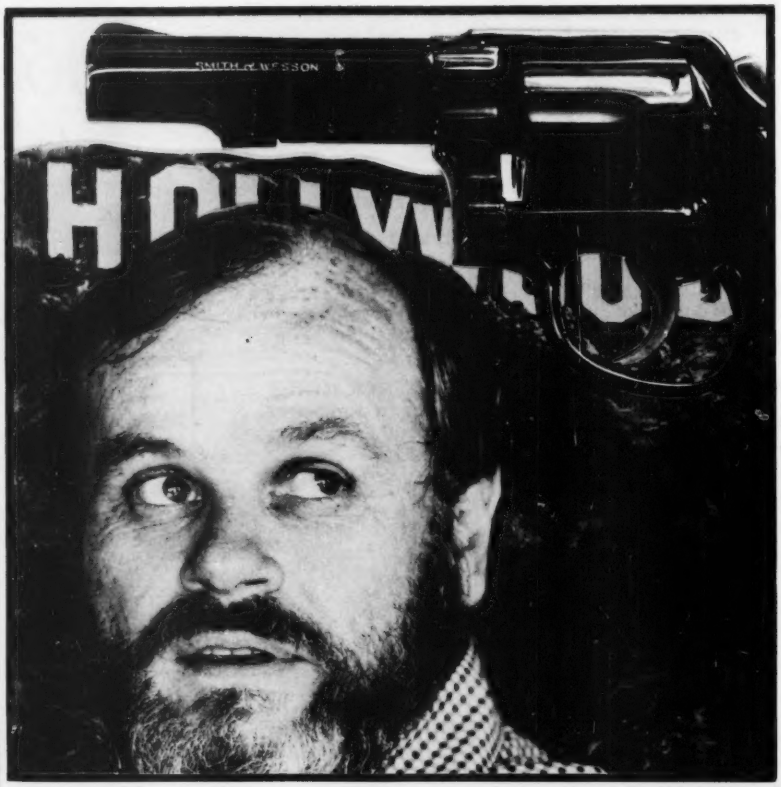
Didion is a native of California, and her apprehensions of its manners and atmospheres are perhaps deepened and complicated by that fact. Dunne was raised in Hartford, Connecticut, and educated at Princeton, and he functions as a perpetually astonished outsider, bringing back the news from beyond the Antipodes, where the Hottentots indulge in their bizarre practices. He has written *Delano*, a study of the unionization of grape pickers that I have not read, and *The Studio*, about Twentieth Century Fox and the making of the disastrous *Dr. Doolittle*; *The Studio* is the funniest, and probably the cruelest, book about Hollywood that I know, with the exception of *The Day of the Locust*, which is about a good deal more than Hollywood.

His third book, *Vegas*, is a kind of preparation for this first novel, *True Confessions*. I don't mean that *Vegas* is an act of apprenticeship. Among the people who have written about Nevada's Platonic ideal of Los Angeles—Jack Richardson, Hunter Thompson, Mario Puzo, Joan Didion—Dunne has worked his way as deeply as anyone into the place where he would have found Las Vegas's heart had Las Vegas a heart. Dunne has an affection for small-timers, men and women down on their luck, trying for a medium-sized score, content with a piece of the vigorish or a semilegal chisel. One of the characters in this memoir of Dunne's nervous breakdown in Vegas is Buster Mano, a private eye who is also a Catholic, and whose wife is on intimate terms with the saints, knowing them by their nicknames, "Frankie Xavier" and "Tony."

True Confessions is about the Spellacy brothers, Desmond and Thomas. The first is an ambitious priest in Los Angeles, the other a detective of homicide with the LAPD whose wife, Mary Margaret, lives at the state mental hospital at Camarillo because she is on such easy terms with a non-existent saint. This novel has many old-fashioned virtues: a carefully made story line in which suspense is resolved with excellent timing and few false diversions or loose ends, a low-life environment wonderfully populated by a range of characters and jammed like a Brueghel painting with details of the forms and artifacts of daily life. Dunne's people act from subtle but always probable motives, and they speak a language that is at once exotic and natural. *True Confessions* is written in the mode of a hard-boiled novel of detection, and it is right up there with the best work of the best writers of this type of thing, the peer of work by Raymond Chandler, Ross Macdonald and Dashiell Hammet.

True Confessions is told in two time-settings: "Now" and "Then," the former opening and closing the story in the '70s, the latter, almost the whole of the novel, about events that followed the murder just after World War II of a young woman dubbed by Tom Spellacy "The Virgin Tramp." Tom tells the parenthetical opening and closing of the story in the first person, and the prolonged flashback is told in a third-person voice that is limited to the consciousness of either Tom or his brother, but seemingly written by Tom. (What provokes Tom to undertake this story in the form of a novel rather than a memoir is never explained, one of the few weaknesses of this book's narrative design, and its sole improbability.)

Tom and Des are a couple of



tough harps, street-wise and cynical, at ease with other tough people. Tom's best friend and fellow detective, Frank Crotty, knows black cops and robbers as "shines" or "smokes" or "dinges," and Tom is untroubled by this idiom. He has been a Vice Squad detective, on the take, a one-time bagman spared an indictment by the intercession of his brother, who is known after his war experience as the "Parachuting Padre." Des, about to be made a bishop at the time of the flashback, is a wised-up fixer, a brilliant manipulator with "no real interest in right or wrong, only in the ambiguities and ambivalences of any moral question." He is told that he has a "mind like an abacus. You do everything, in fact, but feel."

His ambitious calculations are undone by the involutions surrounding the murder of The Virgin Tramp, who is discovered in a vacant lot cut in two halves, both of them mutilated. The investigation led by Tom and his chum Crotty twists through the Los Angeles underworld, allowing Dunne a bravura display of the language and codes of people living on the fringes of that city at the fringe of this country.

True Confessions is about the unwinding of a plot, but I cherish it for its details. Crotty, for example, likes to eat on the cuff, and he wears only white suits, bought for a buck apiece from Sidney Greenstreet's wardrobe guy when the actor has finished with them. Everything's a hustle: in his old age Tom tells his brother about a gimmick he once used in the used-car business: "A fellow comes in and trades in his old car. What you do is, you send him a dollar or so in loose change and say you found it under his upholstery. . . . It makes him a repeater." The mode of this book is explanation, the teaching of a code. Des wearies of the lessons from Tom ("It's always 'Listen' or 'Let me tell you something' . . . Snippets of wisdom from the lower depths"), but I did not.

True Confessions refers to the false confessions received by police investigating any murder as lurid as The Virgin Tramp murder, and echoes the title of a magazine that falsely promises awful confessions. Here the stories, told deadpan by Tom, are awful indeed. A drunk off-duty traffic cop "tried to shoot a cockroach on the wall of his bedroom and killed an old lady walking her dog by his window." A big-shot pimp and fixer worked up a grudge against Dominic LoPresti, "that was this ginzo's name. Jack took Dominic and stuck him in this dryer in a laundry over to Lincoln Heights there. Shrunk the poor bastard down to twenty-one pounds."

To Crotty everything is a gag. And why not? Tom visits an inept crook named Turd Turner who is about to take gas the following morning at San Quentin, known as "Q." Tom was responsible for sending Turd to the joint, but no hard feelings:

"You know, Tom, I nearly made the Ten once."

"I didn't know that."

"It's a federal list is the reason you didn't know, probably."

"Probably . . ."

"A lot of my friends in law enforcement told me I was the eleventh most wanted man in the country and that Mr. Hoover was fixing to put my name on the Ten as soon as he had an opening. Mr. Hoover said my nickname was against me or I would have made the Ten a lot sooner. That's what my friends in the FBI tell me. If I had a name like Two-Gun Turner or Machine-Gun Turner, I would have made it easy."

"Tuffy Turner."

There are several Dunne signatures here. The perfect pitch that discovers the form of respectful address inclining toward formality: "Mr. Hoover." The poignant situation of a hard guy being number 11, which he really wasn't, and Tom's kindness to a man about to check out, a man with a terminal case of bad luck.

Dunne's instinct for the accuracy of the absurd situation is his most notable gift. Jack, who put his enemy in a clothes dryer, is dying of cancer, and wishes to confess his sins to Monsignor Desmond Spellacy: "'Yeah, well, I'm a married man, but I got to admit, I know a few girls in my time. Five, six hundred maybe, and I'm sorry I did, it was bad . . . ' Desmond Spellacy cleared his throat. '. . . Anyone ever try to fuck my daughter, I'll cut his nuts off . . . '"

True Confessions is also about the dramas enacted between a priest and a layman, and the forms that absolution might take. It is about Des' faith and his career as a Catholic, and the division between a brother and a brother, each wised-up to the other's defenses. Tom finally brings Des low, but in Des' terms lifts him up. The Virgin Tramp is irrevocably split in two, Des and Tom are reunited with each other as Des is rejoined to his faith. He has lived as a fine-tuner, like Tom, and is now "tired of fixing things." He believes his ambition caused him to have "surrendered to fate. Which is another way of saying, I am living out my death."

Dunne is not as successful in rooting Des in action as in rooting Tom. Tom does things in the world, goes about town asking questions and causing things to happen. Des, by nature of his calling, is more hermetically sealed, and the atmosphere near him tends to stifle, which he understands about himself, but which does little to relieve the problem he raises for Dunne. I never got a true fix on Des, as I did on Tom and Frank Crotty. And on Brenda, the whore who once paid off Tom in cash and trade, and has declined from her former prominence in the vice world. Tom notes her full fall in three short sentences: "Through the open door, he could see a rust-colored cat asleep in the unmade bed in the bedroom and a mangy Persian chewing on a curtain it had torn loose from the curtain rod. He remembered that she always had cats. They just never smelled before."

The ground is steady beneath Dunne's feet. He is sovereign of every inch of territory he wishes to command in *True Confessions*, a novel as densely populated as an entire society. Dunne's book brings news; it entertains; it is accurate. Given what he has done, I cannot imagine what he cannot do.

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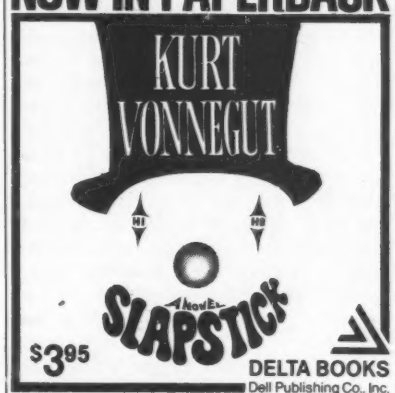

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In fall a filmmaker's fancy turns to love

The summer of '77 won't be remembered as a vintage season for movie romance. We went to our theaters and drive-ins to escape the heat, to be chilled and thrilled by giant moray eels and steel-toothed villains, not to be warmed by the tender combustion of two movie-star faces in soft-focus closeup. The summer's one popular "love story," *The Other Side of Midnight*, was really a revenge melodrama; audiences yawned or giggled through the early scenes of ingenuous passion while waiting for the movie's characters to produce their unwound coathangers and emotional stilettos. It's a comment on what has happened to the art-industry that gave us Garbo and Gilbert, Gable and Leigh, Tracy and Hepburn, that the most affecting emotional engagement of the season was sparked between a cybernetic Laurel and Hardy—the *Star Wars* robots.

But action-horror movies have long been a summer staple; as they say in the studio commissaries, fright comes before the fall. Now it's autumn, and we have before us a quartet of what cry out to be called love stories. In the seventies, though, sentimentality must be refracted through a dozen post-romantic sensibilities. Thus *Julia*, a love story of two strong people in the political turbulence of pre-war Europe—but *Casablanca* it's not: the lovers are women, the love is idealistic, and polemics win out over poetics. Thus *A Special Day*, a love story with Marcello Mastroianni and Sophia Loren as they enter radiant middle age—but *Menopause Italian-Style* it's not: he's gay, she's miserable, and the movie can't decide whether to be sweet about the reunion of two major stars or bitter toward homophobic prejudice. And thus *François Truffaut's The Man Who Loved Women*, whose title tells its story: of a man obsessed with all women because he is incapable of loving one woman.

And thus **Bobby Deerfield**. This is meant to be the real thing: a heterosexual love story about a handsome guy who falls in love with a beautiful, doomed woman. He (Al Pacino) is a world-famous race-car driver—rich, successful, adored and pampered by his stunning mistress—but searching, ever searching for the one thing (can it be love?) that will give his life meaning. She (Marthe Keller) is a fine-boned European aristocrat who begins flirting with Bobby Deerfield even as she plays the coquette with death; she's contracted that rare, incurable disease that mainly afflicts female guest stars on TV dramatic series, and whose only symptom is a becoming, pancake pallor in the final hospital-bed scene. Bobby, for whom death is an occupational hazard, doesn't realize until it's almost too late that Lillian is on her own collision course with mortality. Upon learning of her prognosis, he speeds to her side to watch her die as beautifully as she lived.

Fonda/Hellman: Radical icon

Give points to *Bobby Deerfield*'s writer (Alvin Sargent) and director (Sydney Pollack) for their attempts to overcome or ironize the clichés I've employed here. But there's no way to be both faithful *and* superior to this kind of soap opera; you either transform it into a bubbly aria, or choke on the suds. In its need to be hip, the movie has fallen victim to the seventies' terminal disease: emotional lockjaw. Most of the time, Pacino mopes through the Grand Prix high-life like a Boho Brummel in a road-company version of *Last Year at Le Mans*. Pacino's appeal, like that of Brando and DeNiro, has always been a spiritual arrogance—he's doing audiences a big favor by showing up on the set—and he's made this neurotic sanctity pay off in manic roles like Sonny in *Dog Day Afternoon* and depressive ones like Michael Corleone in the first *Godfather*. But here his performance manages to be both mannered and boring; he seems to have spent too much time trying to rationalize a character who hasn't enough to do or to feel.

Marthe Keller's Lillian has the opposite problem: she's like the Garbo of *Camille* who must also be a kookie Carole Lombard. It's a tough job, which Keller attacks with brio and finesse, but her artificial respiration isn't enough to bring the movie to life. *Bobby Deerfield* expires before its heroine does—a chic, cadaverous victim of its creators' sophistication and timidity. Instead of making an honestly sentimental comedy-drama (as Sargent did with his script for *Paper Moon*, as Pollack did with *The Way We Were*), they have turned from the genre's roots in thirties Hollywood to the blank walls, stares and souls of sixties Antonioni. Perhaps they've been mesmerized by those huge ads of Pacino-Deerfield, staring off into space and looking vaguely troubled, as if he's lost his reason for living, or misplaced his Pro-Max. It's the perfect poster for a love story of the seventies: a man alone, looking for love past the edge of the

frame.

We read Pacino's face—or any movie star's—like a book, and assume that our scrutiny of it can help us read into his soul. This assumption is the basis of the continuing fascination we find in screen actors. Garbo's beauty, for example, is a truth; that's all we know about her Camille or Queen Christina, and all we need to know. Following an actor through a long movie career—seeing those lines of dogged liberalism crease Henry Fonda's face, or how all the years of playing defeated idealists have encased Michael Redgrave's features in an additional, discreet layer of flesh—is like watching a living sculpture. And in the faces of Jane Fonda and Vanessa Redgrave, we can see these sculptures cloned and enriched. Both actresses have the sensitive mannishness we take for intelligence in a woman's face; both have brought life to roles that exploit that aggressive, questioning intelligence; both are icons of a sixties radicalism that reflects their screen personalities. By now, their surfaces are so identified with their substances that we assume some special kinship between each actress and her roles.

This, and this alone, is what gives **Julia** a special promise and poignancy; for here, our modern La Pasionarias are playing two putative heroines of thirties radicalism. But the film is so botched that we are left only with the (considerable) presence of two marvelous, dominating performers. The screenplay (Alvin Sargent again) adapts and expands Lillian Hellman's memoir of her friend Julia, who fought the Nazis on their home turf, and on whose behalf Lillian smuggled into Germany $50,000 for the ransom of political prisoners. Ironically, the story reads like a Hollywood propaganda film of the period. In those old movies, political heroism was seen as a struggle against a common enemy rather than for a common goal—against Hitler, but never for Stalin. And the leaders of these popular fronts were aristocratic antifascists, nobles who had renounced their titles (like Robin Hood) but were still noble, superior, natural leaders. Julia is cut from this regal, if age-tattered, cloth; and Vanessa Redgrave's incarnation gives Julia the pure, fervid fire of pragmatic idealism.

As Lillian, the romantic skeptic seduced into political heroics, Jane Fonda is her usual fine mixture of the fierce and the insecure. But too much of the film is taken up with Lillian the budding playwright: reacting to a frustrating page of dialogue by throwing her typewriter out the window; behaving like the crudest American in Paris by shouting at Germans and Frenchmen who don't speak perfect English; listening to Dorothy Parker be just too too wickedly witty. Hellman, in her memoir, gives no indication of having done these things; and Fonda looks awkward and embarrassed enacting them. Fred Zinnemann directs as if he's more interested in dappling sun stars off any available body of water than in turning a grab bag of reminiscences into a coherent narrative. You shouldn't come out of a story about a death-defying platonic love thinking, "My, wasn't it pretty!" Lillian and Julia—and Fonda and Redgrave—deserved better.

As for Mastroianni and Loren, these two eminently watchable stars have gotten exactly what they deserve, and need: a modest movie that puts no barriers between them and their audience. They've been good in so many bad movies over the past decade that I find it pleasant to see them be good in a film as decently mediocre as **A Special Day**. The day is May 8, 1938, when Hitler visited Mussolini in Rome. Everyone in town has gone off to take part in the day's big parade except Antonietta, a fortyish Cinderella who never met her prince charming, and Gabriele, who lives quietly across the courtyard. Gabriele, we soon learn (it takes Antonietta a bit longer), has been fired from his announcer's post with the state radio because of his homosexuality.

But this fact doesn't lead to any grand Message; it's simply a twist in the film's plot. Mastroianni might as well be playing a married man (as he did with Loren in *Yesterday, Today and Tomorrow*) or a priest (as he did with Loren in *The Priest's Wife*)—any social barrier will do, as long as our stars can hurtle over it into each other's arms. We want to see them act and interact, as they turn a series of small seriocomic moments (on which most Italian films are based) into a behavioral ballet of human emotions. They have unusual freedom here, because Ettore Scola, the director and co-author, has spun a filigree of shticks (a dance step, a low-hanging light fixture, a sassy parakeet, some coffee beans) so venerable we can almost respect their age, and through which the two stars can mold characters familiar to us from a dozen earlier films. The sociology of *A Special Day* may be naive, even maudlin, but the personalities ring true—because they're the personalities of Mastroianni and Loren—the aging, still-soulful Latin lover and his maternal *bella ragazza*.

Charles Denner's face isn't pretty: it's a sad, sensitive-craggy Armenian-Jewish face, with wistful eyes and mouth that can be generous or cruel. And it isn't well-known: Denner's appearances in French films over the past twenty years have mostly been in supporting roles. But François Truffaut is well-known, and his new film, like all his work, is very pretty. This is one of the oppositions the director has set up in **François Truffaut's The Man Who Loved Women**, a clumsy title for a most graceful film—a graceful balancing act involving actor Denner and the character Bertrand Morane, and playing the film's subject (Bertrand's funny, fatal preoccupation with women) against its form (a wry, understanding look at "a woman chaser who hasn't grown up"). It neither canonizes nor condemns this saturnine satyr; and it dares us to enter Bertrand's mind without surrendering to his charm. At a time when both men and women are pretty nervous about being liberated, only Truffaut could pull off this daring feat of *leger d'amour*. And only Truffaut, with the immense good will he has justly accrued, could get away with it.

By day, Bertrand conducts laboratory tests of children's mechanical toys. After work, with infinite grace and solemnity, he performs another kind of experiment: trying to compose a collage of the ideal woman out of the jigsaw pieces of a hundred mistresses and the thousands of women he sees on the street. His mistresses, though, are wise and loving; it's Bertrand who, like so many Truffaut heroes, is the mischievous, serious male in protracted adolescence. He must think himself a very considerate man of affairs: almost always he loves women who have no other entanglements, who are free to love him and be left by him. He delights in women's legs ("points of the compass, encircling the globe," he calls them). He loves the sound of a woman crossing her stockinged legs—the subtle scream of silk on silk, like the song of caged birds, or like a zipper opening itself. He's a scientist of love who becomes a philosopher of the boudoir, composing an autobiography that will serve as his epitaph.

It's appropriate that this saddest, loveliest film about love should be made in France. Bertrand would find nothing but frustration in, say, New York—where the only women who still wear dresses are nuns. Perhaps "France" is a state of mind no more realistic than Hollywood was. With Truffaut as a tour guide, we can still believe that France is a young adult's Disneyland, where every man is dedicated to the proposition, and every woman is kind enough, and amused enough, to accept. Bertrand's last dream is of being sent to an island so inhabited only by women. By making this film, Truffaut has granted Bertrand his wish—and forced him to live it out. That's why *The Man Who Loved Women* is an elegy, not only to this fond lover, but to the dying tradition of the love story.

Music / By Patrick Carr

The Rocky Horror Show

Three of us are watching the Third Annual Rock Awards on TV. There's me, there's Gordon Javna, a musician, and there's Mary Hardin, a lawyer. We are variously equipped to interpret what lies before us: Gordon knows more about schtupping—business, let's say—in the music business than I do; I know more about greasing in the music business than he does; Mary ("I stopped when the Beatles broke up") knows nothing at all about the music business but is interested in catching up. She is amazed that Rock Awards even exist. This may be because she doesn't watch much television.

Another character in the room (though not in the flesh) is Mr. Don Kirshner, producer of this show and many others; of Don, let it be said that while always doing relentlessly well in the music business, he has also always striven to Do Good in the music business. Don is big on sincerity, charity, and personal dignity; his televised offerings are therefore frequently hilarious. His *Rock Concert* show, for instance, features each week a glowing personal-from-Don tribute to the managers of the acts on the show.

But Don, whose Bad Introducer act is the envy of professional comics far and wide, is not on camera tonight. MCing for Don are Peter ("Farrah") Frampton and Olivia ("Livvy") Newton-John (whose only recent connection with rock was the sidewalk outside the theater).

First up is a dance routine. The set is filled with lively, strangely gesturing people in athletic outfits. At first I assume this to be a Kirshnerian welding of both rock-aggression and running-fad motifs, but soon it begins to look more like boxing.

"Is that *boxing?*" I ask. Gordon and Mary, fascinated, both agree.

There is more aggressive gesturing, then the announcement of a cast of characters which sounds like everybody known personally by Tatum O'Neal. When they get to Bruce Jenner, Mary says she didn't know Bruce had made a record. It doesn't matter, I say. He probably knows a lot of rock stars. Then Peter appears, looking like he just came from the hair dryer and a nice smoke (or is it just today's popular Dazzled Look?) and explains that the dance was all about *Rocky* "'cause that's what these awards are nicknamed." Thanks, Peter. Then he announces Livvy, who comes on and worries aloud that with Peter's *English* accent and her *Australian* accent, maybe the audience won't understand what they're saying. Personally I find this *very* charming and ingenuous. Peter reassures her. "Well, Americans seem to understand *all* accents," he says. "Even *I* can understand the, er (*pause while cue line comes up on monitor*), President's accent." Livvy seems alarmed. Maybe her cue is late, too. "Eauw-*Kaey*," she says, giggling nervously.

Mary seems to be in a state of shock. "You OK, Mary?" I ask. "Yeah, I'm OK," she says, "but this is really crazy." She recalls her rock peri-

PHOTOGRAPH BY ANDREW KENT/MIRAGE

Stevie Wonder: "Elvis who?"

od and how much revolutionary aggression there was in it all. "And here they are," she says, "sucking ass!"

The show proceeds. Rod Stewart comes on looking like Bruce Lee after a visit to Halston, and sings with a violin player who has no mike or lead. Artists' renderings of the appropriate stars flash on the screen when awards are about to be given. Each portrait is romantic (that is, they all look like they're sixteen), and features either one, two, or three twinkling stars. Linda Ronstadt, for instance, has one in her left eye. Natalie Cole has one in her left ear. Boz Scaggs has one in his right ear and one on his left temple. The orchestra does a good job, too, but since the same people just keep coming up for awards—Stevie Wonder and Fleetwood Mac, mainly—I'm sure they've had enough time to learn the appropriate hits. Nice orchestra, though. After Fleetwood Mac's manager returns to his seat for the third time, Gordon explodes. "It's *sales*, that's what it is!" he shouts.

"Surprised, Gordon?" I ask. "Shit, no," he says. "It's just depressing, that's all. How good you are doesn't mean a thing."

There is a silence among us for a while until Mary also explodes. Brian Wilson has been rendering his narration of the Hall of Fame nominees—in English at first, but tailing off into Martian ("Somebody give Brian a hand," says an off-camera voice)—and maybe this is too much for Mary. "I feel like I'm in another country," she says.

Last time up, it was Stevie Wonder who was in another country—remember on the Grammies show when they tried to hook him up by satellite from Nigeria or someplace and it didn't work, but they kept doing it? ("Can you hear me, Stevie?" asked host Andy Williams. "If you can't hear me, can you see me?")—but this time he's *definitely* here. All over the place, in fact. Stevie, naughty boy, does his thing. For instance, right when he's supposed to be saying wonderful things about Elvis, he takes all the time saying wonderful things about Otis Blackwell. The flaks onstage stiffen like totem poles on benzedrine. Hey, Don, guess Stevie likes Otis (who is black and wrote just about everything in early rock and roll, including "Don't Be Cruel") better than he likes showbiz, huh? Stevie even gives his Rocky to Otis—calls out for him to come onstage—but it works out in the end because someone keeps Otis away from the microphone very discreetly, and pretty soon we've forgotten it all anyway because here's Peter again, and this time he has that sweet little R2D2 with him. Peter took R2D2 on tour with him the last time out, y'know.

Interesting other things happen throughout the show—Yvonne Elliman (yes, she who has been recording and touring with Clapton these past few years) gets the New Female Vocalist award; Dolly Parton, thoroughly decountrified, gets to do an instantly forgettable pop number as a reward; Christine McVie of Fleetwood Mac actually says "this is all getting a bit tedious" into the microphone; Joan Baez ritually doesn't show up (and neither do Boz Scaggs or Linda Ronstadt)—but the best part of the show is when, either through a Kirshnerian desire to Do Good or as a lofty means of getting non-award-winning big acts onto the show, the Public Service Awards are given out.

In this marathon event—longer than any other portion of the show—managers and artists bound stagewards to receive awards (real Rockies) for their charity work. It's amazing how much these groups do for charity, and how fortunate for everybody it is that these great gestures are tax deductible, and how often the remark "I hope we can keep doing this kind of thing" is heard. Indeed, when a breathless Harry Chapin describes his daily Hungerthon-promoting progress from AM radio station to AM radio station across the land (just got off the plane, off to another Hungerthon any moment now), it becomes quite embarrassing. Harry has just said, golly-goshedly, "Gee, I guess I got the greatest job in the whole world!" amid pained looks on stage, and is about to say something else beginning "And furthermore . . . " when the orchestra embarks upon a crescendo, the camera cuts to an audience shot of someone from *Roots*, and we go to a Pioneer ad.

Records

By Jim Miller

★★★ **Quintessence,** *Bill Evans* (Fantasy); ★★ **Byablue,** *Keith Jarrett* (Impulse); ★★★★ **Staircase,** *Keith Jarrett* (ECM); ★★★ **Breakthru,** *Ran Blake* (Improvising Artists); ★★★ **The Great Concert of Cecil Taylor** (Prestige); ★★★★ **Supertrios,** *McCoy Tyner* (Milestone). Contemporary jazz pianists are well represented by the current crop of releases. On *Quintessence*, Bill Evans, one of the most influential modernists, turns in an exemplary set in the congenial company of Harold Land (saxophone), Kenny Burrell (guitar), Ray Brown (bass) and Philly Joe Jones (drums), who all end up sounding like satellites of Evans' imagination. The result is a performance of harmonic substance and urbane gentility, quite unlike the ethereal preciousness of some other jazz "impressionists."

Keith Jarrett's latest releases reflect his split personality, although *Byablue*, featuring five compositions by drummer Paul Motian, is scarcely representative of Jarrett's best work with the quartet he recently disbanded, alas. Yet as even this album attests, they were a memorable unit: Charlie Haden's bass and Dewey Redman's tenor facilitated a lively interaction rather than the occasionally smug solipsism of Jarrett's solo concerts. But self-indulgence is no problem with *Staircase*, Jarrett's most thoughtful solo statement since *Facing You* (which also happened to be the last time Jarrett performed solo in a studio). Stripped of theatrical log jams, Jarrett's melodic lines display all the ingenuity and sureness of touch that make him one of America's preeminent musicians.

Thanks to Jarrett, solo piano has become something of a fad. Unfortunately, few entries in the genre are as idiosyncratic as Ran Blake's rather weird *Breakthru*. Playing the stoic, Blake evinces mordant wit and an unusual obsession with condensation, performing an unlikely program of Broadway and bop standards, most of them disassembled at a snail's pace.

Aficionados of more robust pianistics have ample listening ahead in Cecil Taylor's *Great Concert*, a sprawling three-record set capturing *one* composition/improvisation in its entirety. Since Taylor has generally been recording solo recently, the presence of reedmen Sam Rivers and Jimmy Lyons is of special interest. "Second Act of A" ebbs and flows, although the horns throughout supply textural modulations that enhance Taylor's characteristic solo flights.

Last but not least, McCoy Tyner continues to prove his mastery with a splendid two-record set, pairing him with Tony Williams and Ron Carter on one album, Jack DeJohnette and Eddie Gomez on the other. The material is unusual, too: in addition to several Tyner originals, there are two Ellington standards, one tune by Monk, another by Coltrane, even a stunning version of Jobim's bossa nova, "Wave." The players, particularly Williams, provide Tyner with impressive support, and the pianist responds with fire and grace.

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CORRECTION:
In our 9/16 issue an ad appeared in this column for a John Mitchell T-Shirt. The address given in the ad was incorrect. Below is the corrected ad:
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Final Tribute

Suffer the Children of Kent / By Mark Goodman

One modest suggestion for my friends in the academic community: The next time a mob of students, waving their non-negotiable demands, starts pitching rocks at the student union—just imagine they are brown shirts or white sheets and act accordingly.
Spiro Agnew April, 1970

It was understood across the land, in seats of government and chairs of academe, that Spiro Agnew, unlike Jonathan Swift, was in dead earnest. And so, when the students of Kent State turned out the following month in enraged protest over the Nixon invasion of Cambodia, Ohio Governor James Rhodes appeared on the campus, cue card in hand. The demonstrators, he said, were "worse than the brown shirts and the Communist element and also the night riders and the vigilantes . . . in fact, they're the worst type of people that we harbor in America."

In sifting through, once again, the sheaves of material on Kent State (my own included), those sentences stuck out vividly against an agonizing backdrop of charges, countercharges, suits, investigations, hearings, trials, recriminations, all aimed at fixing the responsibility for the holocaust of May 4, 1970, which left four students dead, ten wounded and a nation divided. After seven years and numberless hours of painful, painstaking testimony by angry witnesses, benumbed parents and defensive Guardsmen and officials, no responsibility has ever been assigned for the brutal bloodletting, and it is likely that none ever will be. Certainly not legal responsibility; the gulf between the aggrieved citizen and the government that victimizes him is eternally unbridgeable. But the moral responsibility does not seem all that hard to find: the Vice President of the United States had branded dissenters as criminals and told administrators to "act accordingly," the governor of the state had turned loose a bunch of reservists (and we all know what crack, disciplined troops the old six-monthers were) with loaded weapons, so what in God's name did anyone think would happen?

We can't have forgotten the climate of those dread times, when the air was so thick with the smell of blinding tear gas and brimstone rhetoric and the distant, blistering rain of Nixon's bombs that we could scarcely breathe. I remember flying into Cleveland that Sunday of May 3, reading of nothing but Cambodia, Vietnam, saturation bombings, violent protest. Then driving to my home in suburban Akron (my high school lies only ten miles from the Kent campus) along the Ohio Turnpike, where National Guardsmen stood watch on the overpasses to protect traffic from the very real danger of ambush from wildcat Teamster strikers.

The next day my brother Pete, a Kent State student, called home with the first report of the shootings. I was a movie critic for *Time* then, and on vacation, but I figured the magazine could use some help from a journalist whose brother attended Kent. I was right. The campus cleared on Monday night. Twenty-four hours after the massacre Kent State was deserted; the few students who were left had gone underground. Slowly, carefully, without recourse to polemic, they laid out as coherent a map as I've yet read on the day's events. First, the Guard, eyes and nerves rubbed raw from their sniper watch, gather at the burned-out ROTC building. Officers with bullhorns attempt to disperse the crowd, fail, then send two skirmish lines of gas-masked Guardsmen toward the crowd. Tear gas fired, a few canisters are hurled back. Troops back the demonstrators against a fence only to find themselves partially surrounded. Rocks are thrown, signs of panic ripple through the ranks. The Guardsmen retreat up the hill toward Taylor Hall, keeping the students below them. At the top of the hill, the Guardsmen suddenly turn. A student who has spent two years in the infantry sees the lieutenant near him drop his swagger stick in a firing order. Shots ring out, bodies fall swiftly to the ground. Shock, confusion, disbelief. This could not be. But the terrible, terrible truth is shouted at the bright Ohio sky: "My God, they're killing us!"

There is really no doubt as to the antecedents involved: sullen grown-ups were killing their unruly, ungrateful children. Such genocide is usually followed by equally savage remorse: the murdering father puts shotgun to the roof of his mouth and plasters the top of his skull against the garage ceiling. Not this time, folks. Four days after the slayings, New York City hardhats took to the streets in violent disruption of Mayor John Lindsay's proclaimed day of mourning. At *Time*, the letters came in 38-to-1 *against* the students. In Akron the wife of a prominent evangelist summed up the mood of a nation of vengeful parents, sick to death of listening to their children's sass: "I would rather see my sons dead, dead in their caskets, than to see them tear down the flag or insult their country like those kids at Kent."

The children had done the impermissible—they had caught their parents red-handed, and dared to pronounce them guilty. There could be no redress for such a crime. An Ohio grand jury examined the case and indicted the students for their part in the riots. Attorney General John Mitchell refused even to convene a grand jury. Elliot Richardson eventually did, and eight Guardsmen were indicted; the judge threw out the charges on a technicality. Frustrated, the surviving wounded students filed a $46 million civil suit against Rhodes, former Kent President Robert White, commanders and Guardsmen. The accused were acquitted in federal district court in Cleveland. The case will be retried because threats against jurors were subsequently discovered. Nothing, of course, will come of it.

A curious postscript to Kent State is the matter of the gymnasium, which officials determined to raise on a portion of Blanket Hill, site of the killings. A number of students and faculty waged a stubborn protest against the gym, spreading a tent city over the ground and occupying it until mid-July, when 194 of them were peaceably arrested. The school's new president, Brage Golding, later attempted to appease all sides by proposing construction of a modest memorial in honor of everyone—Guardsmen included. Although Golding probably meant well, that's rather like raising in Conventry and Manchester monuments to the Luftwaffe's gallant Stukka pilots. Then, last month, as students who thought it was important to remember watched with tears streaming down their faces, workmen broke ground and busied themselves with the task of burying, with mortar and trowel, the memory of that bleak day when a nation tried to wash its guilt in the blood of its own lambs. ●

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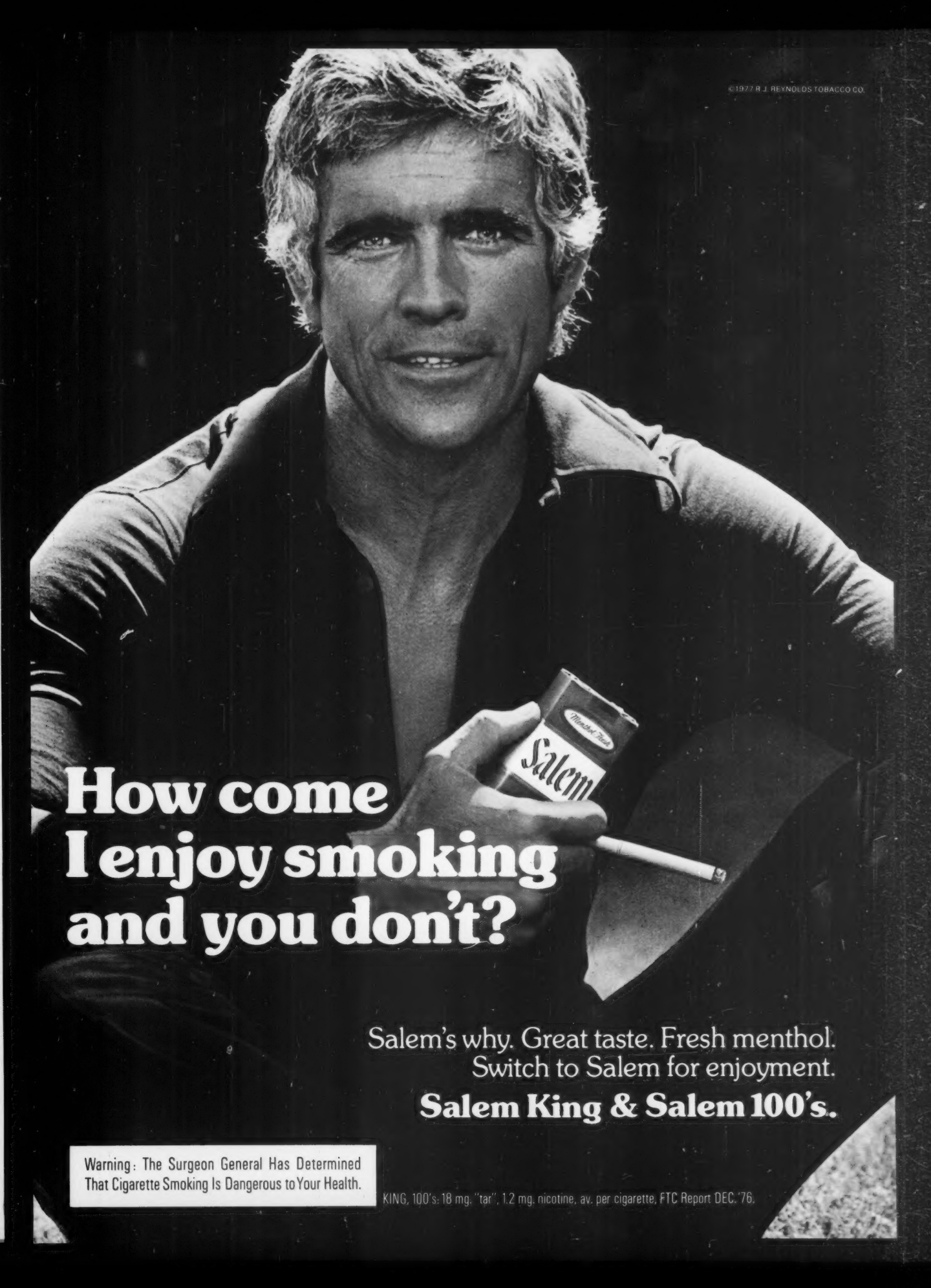
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